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Meeting Information

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STREET ARTISTS COMMITTEE
Wednesday, January 9, 2008
3:00 p.m.
25 Van Ness Avenue, Suite 70

Agenda

1. **Hearing and possible motion to approve issuance or renewal of certificate.**

   Sua Far Lee - Certificate #5954 expired September 26, 2007. Alleged violation: (1) Obtaining a space through the lottery without possessing a valid (current) certificate (violation of Section 2406 of Ord. 41-83, Street Artist Ordinance); and (2) Selling without a valid certificate (violation of Section 7(a) of Proposition "L" of November, 1975 election, Ord. 41-83).

2. **Street Artists Program Director's Report.**

3. **New business.**

4. **Adjournment.**

January 3, 2008

Notices

Explanatory documents are available for public inspection and copying at the Arts Commission office, 25 Van Ness Ave, Suite 240, San Francisco CA 94102 during regular business hours. Tel: INFO: (Howard Lazar 415-252-2583).

Public comment in regard to specific items will be taken before or during consideration of the item.

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Meeting Information

STREET ARTISTS COMMITTEE

Wednesday, January 9, 2008
3:00 p.m.
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SAN FRANCISCO
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MINUTES

Members present: Commissioners Alexander Lloyd and Sherene Melania

Members absent: None

Staff present: Street Artists Program Director Howard Lazar

Commissioner Lloyd, Chair, called the meeting to order at 3:00 p.m.

1. **Hearing and possible motion to approve issuance or renewal of certificate.**
   Sua Far Lee – Certificate # 5954 expired September 26.2007. Alleged violation: (1) Obtaining a space through the lottery without possessing a valid (current) certificate (violation of Section 2406 of Ord. 41-83, Street Artist Ordinance); and (2) Selling without a valid certificate (violation of Section 7(a) of Proposition "L" of November, 1975 election, Ord. 41-83).

   Street Artists Program Director Howard Lazar stated that he had received a report from the Arts Commission's Street Artists Lottery Committee that on Friday, November 23, 2007, the day after Thanksgiving, street artist Sua Far Lee participated in the lottery procedure to obtain a selling space in the Downtown area, that Ms. Lee did not show to the Lottery Committee a valid (current) street artist certificate but informed Lottery Committee member Jimmy Sha that her certificate #5954 was current, and that she obtained a selling space in which to sell her items. Upon checking her file, Mr. Lazar discovered that Ms. Lee's certificate had expired nearly two months earlier on September 26, 2007.

   Mr. Lazar explained that the Commission's rules allow a street artist who does not bring their valid certificate to show at the lottery to participate and obtain a space, provided that the Lottery Committee telephone the Program office and report the incident. The office is then able to verify whether the artist had told the Lottery Committee the truth that the permit was valid. In Ms. Lee's case, Mr. Lazar stated that he found that the artist had not told the truth.

   The Program Director went on to state that the day after Thanksgiving is considered one of the best selling days of the year. By taking a lotterized space that day, Ms. Lee, he said, deprived an artist with a valid certificate from obtaining the space.

   On the following Monday (November 26), Ms. Lee came to the Program office to request renewal of her certificate. Mr. Lazar informed her of the violations of the street artist ordinance which had allegedly been committed by her previous Friday action. He also informed her that he refused to issue her a certificate without a hearing on her alleged violations to be conducted by the Commission's Street Artists Committee, and that the Committee would not be meeting until January. Ms. Lee was then sent a notice to appear.

   Mr. Lazar stated that this case was similar to a case heard by the Committee in April, 2007, except that the artist at the time had been observed selling on many occasions without a valid certificate and had tried to enter – but had been prevented from entering – the lottery.

   Street Artist Jimmy Sha stated that, on the day in question, Ms. Lee did not have her certificate with her but told him that it was valid until December. He responded that he would allow her to choose a space but that he would inform the office that she did not have a certificate to show the lottery. He told her that if her certificate was expired, she would be in "big trouble."

   Street Artist Sua Far Lee, with the assistance of Street Artist Kim Lee as interpreter, stated that she had forgotten the day of her certificate's expiration, and that, while she was told at the lottery that it had expired in September, she believed it was valid until December.

   Commissioner Lloyd asked her if she felt this was a one-time mistake. Ms. Lee answered in the affirmative.

   Commissioner Melania stated that mistakes can happen.

   There was no public comment.

   Commissioner Lloyd stated that it was important that the artists paid for their certificates on time, because that is how the Program is funded, and that if one artist doesn't pay, it hurts the other artists.

   The Commissioner went on to say that, given the fact that Ms. Lee had not been able to work since the incident, he was inclined to reinstate her certificate provided that her other documents (State Seller's Permit and City Business Tax Certificate) were current.

   Commissioner Melania agreed and warned Ms. Lee against committing the same violations again.

   Commissioner Lloyd moved that Sua Far Lee be found in violation of the street artist ordinance by obtaining a space through the lottery without possessing a valid certificate and by selling without a valid certificate, and that her certificate be re-issued; the motion was seconded by Commissioner Melania and unanimously approved.

   Program Director Lazar stated that he had informed Ms. Lee by letter that any motion made by the Street Artists Committee relevant to her case would be submitted to the full Arts Commission for a vote of approval, and that the Commission's scheduled meeting would be on the first Monday

of February.

2. **Street Artists Program Director's Report.**

Street Artists Program Website. Mr. Lazar stated that this was the first time the Program had its own full website. It contains directions on the procedure of obtaining a certificate, the screening procedure including the Commission's arts and crafts criteria, and updated maps of the sales spaces. Applicants are now able to download the application and send it in with the application fee.

Commissioner Lloyd commended Mr. Lazar for his work on the website and stated that he felt it would help many people.

Commissioner Melania stated that the website looked very good.

Program Handbook ("bluebook"). Mr. Lazar stated that he was currently editing and revising the previous (1998) "bluebook" of Program rules and procedures, which he had co-written with former street artist John Bass, and that it was his plan to have it posted on the Program's website by the end of February.

Proposed amendment to November 14, 2007 minutes. The Program Director had received a written request from street artists William and Robert Clark to amend items 1 and 2 of the November 14, 2007 minutes. The Commissioners reviewed the request.

Commissioner Lloyd moved to approve the following paragraphs to replace previous paragraphs, as noted (deletions in double parentheses (( )); new wording in **bold print**):

For *Item 1, Hearing (discussion only) on Street Artists Program Director's proposal for 2008-09 budget for Street Artists Program*, page 7, paragraph 9: "Commissioner Lloyd recommended that, while he appreciated the inclusion of new items which reflected what the artists and the Commissioners had previously discussed, a budget should now be proposed, however, with as minimal a fee increase as possible, because 'it doesn't take a genius to hear what' the artists 'are saying, and we're all here to help these people.' He asked the Program Director to prepare a revised budget that would delete the higher-cost new items, amounting to $25,000, ((and would retain the compensation increase for the Advisory Committee with the Committee utilized for fewer meetings than the allotted 35 meetings. He asked that this be prepared for presentation to the Commission's Executive Committee in January, 2008.)) **The Interim director of the Arts Commission, Nancy Gonchar, suggested that they could also reduce the number of Advisory Committee of Street Artists and Craftsmen Examiners' meetings to which Street Artists Program Director Howard Lazar agreed. Commissioner Lloyd concurred and stated that it could be included in the reduced budget proposal to be presented at the Arts Commission's Executive Committee meeting in January."**

For *Item 2, Hearing and possible motion to approve proposal to eliminate 10-day renewal policy to allow for renewal of more than 10 working days after a certificate's expiration date*, page 9, paragraph 1: "Mr. Clark submitted ((what he called 'a work plan from Howard Lazar in 1991-92' which, he said, 'clearly states that one of Howard's goals in 1991-92 was to knock the numbers of this Program down to 572 ...")) **a copy of an official Arts Commission document entitled '1991-92 WORK PLANS: STREET ARTISTS PROGRAM' which states the document is an "OUTLINE OF PROGRAM DIRECTOR'S PLANS FOR 1991-92'. Mr. Clark pointed out Item E to the Committee members which states that one of the goals of the Program Director for 1991-92 is to 'Lower number of artists in Program from 572 to 500'.** He went on to state that 'while we were trying to get more people into the Program, this Commission was knocking people out of the Program.' He asserted that if the fees were now getting to be 'so high, it's not because of the street artists; it's because this Commission had a policy to knock the numbers down.'"

The motion was seconded by Commissioner Melania and unanimously approved.

United Nations Plaza. The Program Director stated that, after receiving inquiries from some artists as to where they would be permitted to sell in United Nations Plaza, he would be posting on the Program's website a map of the area along with notes on restrictions during Farmer's Market days. He further explained that there were no specific spaces designated or marked in the Plaza; he had succeeded in obtaining a resolution from the Board of Supervisors in 1981 to allow no more than fifty artists to sell in the Plaza area.

List of current certificate-holders. The Program will publish a list of current certificate-holders by the end of January, and it was the Program Director's intention to publish it monthly. He invited any street artist receiving the list to feel free to rearrange it in any manner to better facilitate the artists' lottery. Mr. Lazar went on to state that, while for twenty-eight years he had published a monthly attrition list of artists whose certificates had expired, it appeared that the artists now wanted a list of those currently in the Program.

Manuel Loli hearing at Board of Appeals. Mr. Lazar reported that the Board of Appeals had continued its hearing to Wednesday, January 16, 2008, on Manuel Loli's appeal of the Arts Commission's decision to revoke his certificate. The hearing will be in City Hall, Room 416, at 5:00 p.m.

In response to a question by Commissioner Lloyd, Mr. Lazar stated that it was his opinion that, at the previous Loli hearing, the Board of Appeals commissioners had overlooked or ignored a preponderance of evidence he had presented to support the Arts Commission's action, and that the evidence showed that Mr. Loli had been told on several occasions by Arts Commissioners that (1) he had to make what he sells and (2) he had to receive a screening and certification from the Commission for any new item he wished to sell, prior to selling it. But Mr. Loli told the Board of Appeals that he had not previously understood the rules – even though the Arts Commissioners had gone on record ascertaining that he *had* understood the rules.

Commissioners Lloyd and Melania stated that they would attend the hearing.

Executive Committee hearing on proposed Street Artists Program budget and fee increase. Mr. Lazar reported that the Arts Commission's Executive Committee would hear and possibly approve for recommendation the Program Director's proposed budget and fee increase for fiscal year 2008-09. At the meeting of November 14, 2007, the Street Artists Committee had directed Mr. Lazar to produce a new budget proposal reflecting a $25,000 decrease due to elimination of several items which had been previously requested by artists and commissioners, and to propose a new fee that would fully support the budget. Now, having done so, Mr. Lazar will be presenting a proposal to the Executive Committee on Tuesday, January 15, 2008, at 3:30 p.m. in the Arts Commission's Conference Room, Suite 70. He stated that the proposed annual fee is $500.60, an increase of $81.40, and the proposed quarterly fee is $125.15, representing a 19% increase—instead of the previously proposed 39% increase—over the present fee.

As before, Mr. Lazar again stated that even if next year's budget figure were to be exactly the same as the current year's figure, the artists would still have to pay a fee increase next year because the Program would no longer have the benefit of drawing from a balance of accumulated fee savings to augment its annual fee revenue. By the end of the current fiscal year, the fee savings will be depleted, and next year's budget will have to be supported entirely by its annual fee revenue. This was, he said, what he had publicly predicted for 2008-09 four years previously.

3. **New business.**

Street Artist Michael Addario requested to know the figure for the Program's "cash on hand."

Through the Chair, Mr. Lazar responded that the current revenue, from July 1, 2007 to the present, was approximately $89,000. He added that typically the Program experiences a decrease in revenue during the months of January through March.

Street Artist Kathy Hallinan stated that an important part of the Street Artists Program is what the artists do to obtain their sales spaces. A Lottery Committee of artists, drawn by lot, has the job of lotterizing the spaces on a daily basis and verifying the artists' certificates. On any day, the Lottery Committee members' commitment to these jobs may extend from 8:30 to 10:30 a.m. In the past, the Lottery Committee would have meetings; Ms. Hallinan wanted to see the resumption of regular monthly meetings, as the Lottery Committee is an "important medium entity between the street artists, the bluebook of rules, and the Arts Commission."

Ms. Hallinan went on to describe a situation of some committee members performing only 1% of their assigned lotteries and only on "the very best dates, maybe Saturday or Sunday, or maybe just Christmas, and that's it." What happens, she said, is that such committee people give away the bulk of the lotteries they do not wish to perform, and "only give them to the people" [other Lottery Committee members] who "they like." She said that it is "an intrinsically unfair system" whereby some members may end up having only two Saturday lotteries during their committee term while other members may have as many as eleven or thirteen. While this situation has not been addressed in the past, Ms. Hallinan wanted to see it addressed now. If the Lottery Committee would resume its meetings, there would be a review of current rules and possibly a drafting and submitting to the Street Artists Committee proposed rules, one of which would ensure that all members of Lottery Committee would receive and conduct the same number of lotteries.

Ms. Hallinan also stated that, if an artist serves on the Lottery Committee, the artist should be obliged to show up at the artist's lotteries for two-thirds or three-quarters of the artist's term. If the artist cannot fulfill this, Ms. Hallinan would propose a rule to dismiss the artist from the committee.

Commissioner Lloyd recommended that Ms. Hallinan make her proposal in writing to the Program Director for consideration by the Program Committee, and that the proposal reflect support by a majority of the artists.

Mr. Lazar stated that he had attended the last Lottery Committee meeting in which he had stated that he would be happy to meet with the members again in order to finalize a proposal that would reflect the members' support and be worthy of the Commissioners' consideration.

Street Artist Paula Datesh stated that she was attending today's meeting "in an effort to clear my name and to document the slander" of remarks made by others regarding her alleged activities in the Street Artists Program. "I go on record," she said, "and state to you that personally I do not know" [street artist] "Mr. Addario ... and I'm here to tell you that ... the first meeting that I attended, it came as a shock to me, since ... he had not bothered to do much research, and most of what he said was slander; there was no proof to it. ... I had to go before the full Arts Commission, and he gave an abbreviated version which was again a shock, but I was prepared for it. Two people came and spoke on my behalf, but it didn't seem to go over very well because, in my opinion, they" [the Arts Commissioners] "had already made up their minds based on slander. ...But here ... I just want to clarify a lot of things. First off, the reason why I felt that I won at the Appeals Board was because ... Mr. Addario had failed to prepare his case; he had no proof of allegations ... and it was clear to everyone there that it was slander. It was very personally damaging to me, and I wouldn't wish that on anybody. If he had proof, then of course there would have been a case. ... At your last meeting he called it a devastating defeat; well, maybe he should look to himself for that. ..."

Ms. Datesh continued: "Then he" [Mr. Addario] "went on to say that I contacted both him and his sister-in-law. I don't know anything about that, and I'd like to see proof of that. ... It has for me been very, very hard. Tad Sky came forward during that proceeding, and he presented a lot of verbiage but had nothing to back it up. Because it didn't happen. I just want to go on record saying that. ... And again Mike Addario goes on and on and on, creating in my view huge problems that are not taking place, because he has not bothered to research the situation but seems to want to slander me in every shape or form."

Ms. Datesh remarked that Commissioner Melania had stated, in the minutes "of the first meeting that I didn't show remorse for what I had done. I'm sorry, but I didn't do what I was charged with. What really happened that day—it was almost four years ago—at the lottery" run by Susan Pete who "assigned three people to the same space; it was on Black Friday, the day after Thanksgiving ... I would like to see in the future, since it has been so hurtful, so damaging to me, Mr. Addario research a little better before he speaks, that he comes up with facts before he speaks. ..."

Street Artist Michael Addario announced that street artist Fernando Hechavarria has been chosen for the Hearts and Heroes Award of San Francisco General Hospital; this follows the Arts Commission's commendation of Mr. Hechavarria for his act of bravery. He will be featured in a gala event in Union Square.

In response to a question by Mr. Addario, Commissioner Lloyd clarified that Jose Cuellar had recently resigned from the Arts Commission.

Mr. Addario further asked if Street Artists Program Associate Evelyn Russell was presently in the building. Program Director Lazar replied that she was not present due to her restraining order against Ms. Datesh and the City Attorney's advice that Ms. Russell not be present when Ms. Datesh exercises her right to address her government.

Mr. Addario stated that there have been "multiple reports of Ms. Datesh selling in front of Gucci's illegally; this has been brought to Howard's attention; also one of the screeners had seen her and made a documented report; we have not seen this yet; apparently it was the date after she got screened, selling in an illegal space."

Mr. Addario stated that he felt the matter should go on the agenda.

Commissioner Lloyd responded that there was a very specific process involved in submitting a case of violation. He advised Mr. Addario to bring specific evidence to the Program Director, and, if the evidence is substantial, action would be taken.

Street Artist Paula Datesh stated that there was an informal agreement, that "on Sundays between two and four, when there is an anti-fur protest in front of Neiman Marcus, street artists who have lottery tickets are able to go to a specific area in front of Gucci's. ... I asked about it. Eddy came by; I told him about it" and it was acceptable.

There being neither further new business nor public comment, Commissioner Lloyd adjourned the meeting at 3:35 p.m.

Respectfully submitted:

Howard Lazar
Street Artists Program Director
January 30, 2008

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STREET ARTISTS COMMITTEE

Wednesday, February 13, 2008

3:00 p.m.
25 Van Ness Avenue, Suite 70

Agenda

1. **Hearing and possible motion to approve Fiscal Year 2008-09 Street Artists Program budget including certificate fee increase.** *(item sent back to committee by full Arts Commission for hearing on further budget revisions)*

2. **Street Artists Program Director's Report.**

3. **Hearing and possible motion to approve continuous annual designation of temporary winter holiday spaces for street artists.** *(item submitted by Street Artists Robert and William Clark)*

4. **Hearing and possible motion to approve certain street artist spaces, including temporary winter holiday spaces, for use on Saturdays only.** *(item submitted by Street Artists Robert and William Clark)*

5. **New business**

6. **Adjournment**

February 7, 2008

Notices

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STREET ARTISTS COMMITTEE

Wednesday, February 13, 2008
3:00 p.m.
25 Van Ness Avenue, Suite 70

MINUTES

Members present: Commissioners Alexander Lloyd and Sherene Melania

Members absent: None
Staff present: Director of Cultural Affairs Luis Cancel, Street Artists Program Director Howard Lazar, Street Artists Program Associate Evelyn Russell

Commissioner Lloyd, Chair, called the meeting to order at 3:07 p.m. and introduced the Arts Commission's new Director of Cultural Affairs Luis Cancel. Commissioner Lloyd welcomed Director Cancel's participation in the meeting.

1. **Hearing and possible motion to approve Fiscal Year 2008-2009 Street Artists Program budget including certificate fee increase.** *(item sent back to committee by full Arts Commission for hearing on further budget revisions)*

   Director of Cultural Affairs Cancel expressed his commitment, as a visual artist, to advocating for individual artists. For this, he stated some of his qualifications which included an undergraduate degree in painting and printmaking and the evolution of his work into digital media. He considered himself an "individual artist" who always championed what he termed "the creative class" – the people who actually make art: dancers, writers, actors, painters, etc. Without such individuals, he stated, culture does not exist. He exemplified this view by stating that when he managed New York's Department of Cultural Affairs, a large cultural organization, he saw the agency go through economically lean times and yet continue to grow primarily due to Mayor Dinkins' acceptance of Mr. Cancel's arguments that the arts were fundamental to the economy of the city and the driving power behind the attraction of tourism. These arguments, he stressed, apply equally toSan Francisco. According to statistics, the number of individual artists per capita in San Francisco ranks fifth in the nation, even though the city's population ranks fourteenth. Because artists, therefore, represent a very important segment of the city's economy, he was happy to see that San Francisco's Arts Commission has its mandate by ordinance to work with visual artists, like the street artists, to help them sell their works to the public.

   This responsibility, he stated, which Program Director Howard Lazar has managed for the City, is a very important function for the Arts Commission which will not be considered as an afterthought.

   Mr. Cancel went on to say that one of the new tasks he had to perform as a new director of the Arts Commission was to study the bases for the operation of all of the programs of the Arts Commission. As he examined the street artist ordinances with Mr. Lazar, he saw that the language authorizing the Street Artists Program is clear and unambiguous: the activity of licensing street artists has to be expense-neutral. In other words, he said, the costs of the Program cannot be subsidized by anything other than the street artist license fees. He therefore asked Mr. Lazar and the Commission's accounting staff to prepare a careful analysis of the absolute minimum of costs required to operate the program. This was reflected in the budget which was now being proposed for fiscal year 2008-2009.

   The budget, he said, represented a slight increase over the previous year's budget.

   Program Director Lazar clarified that the increase was due partially to a $20 increase in compensation for each meeting or other duty performed by members of the Advisory Committee of Street Artists and Craftsmen Examiners, a proposal heard and approved previously in committee.

   Director Cancel continued with his explanation of the budget. Another part of the increase was due to union-mandated personnel costs. The biggest factor of the increase resulted from re-identifying the true cost of operating the program. Previously, there had not been a careful analysis of the allocation of the cost of the program's office space. It was now carefully analyzed and included in the proposed budget.

   In order to meet the budget, he said, the fee will have to rise from the current annual rate of $419.20 to $532.29 (or $133.07 per quarter).

   Commissioner Lloyd clarified that a significant portion of the fee increase was due to the expiration of the program's surplus of fees savings which had, for many years, subsidized the program's budgets. Therefore, the actual percentage increase in the budget was not was not the sole contributor to the fee increase.

   Director Cancel went on to say that the surplus fee savings had actually been depleted during the year before, leaving a negative balance to carry forward into the current year; therefore, the new budget will have to cover the negative number and make sure that the program meets all of its expenses. All of this is what accounts for the increased fee.

   Commissioner Lloyd asked for comments from the Program Director.

   Program Director Lazar stated that the present fee represented an equivalent cost to the artists of $1.15 a day. The new fee would be the equivalent of $1.46 a day – still less, he said, than the cost of a typical cup of coffee in San Francisco.

   In line with this, Mr. Lazar researched the cost of fees of other American "street artist" programs, and made two discoveries: (1) there is no

program similar to San Francisco's which provides artists with the opportunity to sell their wares seven days a week and the opportunity to sell in not just one but in several prime retail areas in the city; and (2) aside from the San Francisco Street Artists Program, the two other premier "street artist" programs are the ones of Portland, Oregon, and Seattle, Washington (Pike's Market). Portland's will not let the artists sell beyond weekends; if a street artist wished to sell during every weekend, the artist would have to pay fees totaling $2,340 for the year – which represents $6.41 a day. Pike's Place Market in Seattle allows for daily selling; the fee is per day and varies depending on the day of the week and the week of the particular season. If a street artist wished to sell every day – as do some 150 out of 390 San Francisco street artists – the artist would have to pay fees totaling $4,866 for the year, representing $13.33 a day. Mr. Lazar concluded that, given these comparison figures, given the voters' mandate that the Arts Commission be the exclusive agency to license the artists, and given the fact that its Street Artists Program is self-supporting, he felt that the proposed fee increase "pales in comparison with what the other two premier" programs charge.

He went on to mention the local street fairs and craft shows – everything from the Union Street Fair to smaller venues around the Bay Area – as charging $450 to $1,000 a *weekend*. Furthermore, he was informed by several street artists who had been in such shows that they had to compete with vendors in the shows selling commercially manufactured merchandise; and there is not even an attempt on the part of the show promoters to police such non-arts/crafts activities.

Mr. Lazar informed the Commissioners of the contribution to San Francisco's economy on the part of the Arts Commission's street artists: a conservative estimate is that the artists contribute approximately $4 million a year.

He also stated that the present fee will, by the end of June, have been unchanged for three years. It was supposed to have been increased two years ago, but by running the program economically and utilizing the surplus fee savings, the fee has remained the same for three years. This is not the only time in the program's history that the fee has remained constant. The annual fee was $80 for seven years, from 1978 to 1985. The fee was $230 for five years, 1986 to 1991. And it was $350 for *twelve* years, 1991 to 2003.

In conclusion, Mr. Lazar stated: "If everyone says that this is a premier program on premier retail real estate – a former Commissioner actually said that the spaces on Grant Avenue by Sutter, by Banana Republic, are on a sidewalk that is the fifth-highest retail sidewalk in the world – I think that the proposed $1.46 a day is a deal."

Director Cancel stated that he had another observation he wished to share with the Committee and something which should be considered in the coming year: There has been an improvement in the ability to gather complaints of street artist violations. There was a significant increase in 2006-2007 over previous years in the number of complaints that were filed. Whereas in prior years the complaints numbered between 50 to 90 per year, in 2006-2007 the number climbed to 181. It was not because more artists were violating; it was because the efficiency in gathering the complaints had improved with the electronic transmittal of complaints by the Union Square Business Improvement District. He foresaw that, in the future, such volumes of complaints will require additional personnel for their investigation. He and Mr. Lazar had decided not to ask for additional personnel at this time, recognizing that the fee would be increasing significantly in July. It was decided to hold off for another year to see whether the sharp increase in complaints will reduce itself; but if it reaches a plateau, it will require the program to add a staff person in order to address the complaints.

Mr. Cancel also stated that of the 181 complaints that were filed last year, only 37 were acted on.

Commissioner Lloyd inquired whether there were administrative steps that could be taken to take some pressure off the budget.

Mr. Cancel responded that it should be studied whether annual or bi-annual licenses, rather than quarterly licenses, for all artists would reduce the administrative burden; this, of course, would involve conferring with the artists.

Commissioner Lloyd stated that inquiries could be made on the possibility of imposing monetary fines for street artist violators to assist the program's revenue.

Following Mr. Cancel's statement about additional personnel, Mr. Lazar stated that he was severely burdened by the volume of cases submitted to him, especially now with the Business Improvement District's submissions. He acted on only 37 cases last year because most of his time and effort were spent on the yearlong Manuel Loh case; whereas during the previous year he received 89 complaints and was able to act on 70 of them. Nevertheless, he needed an assistant who could be detailed to investigate or interview incoming complaints, write their reports, and discuss them with the Program Director; also have the assistant prepare the numerous form-letter warnings and notices of hearing – all of which takes an enormous amount of care and time.

Commissioner Lloyd stated that, as he had said previously, he had wanted to keep the fee raise to a minimum, but the Commissioners and staff did not know, until now, that the Mayor was going to order all departments to cut back on their expenses, making it necessary for the Street Artists Program to shoulder its portion of Arts Commission services.

Director Cancel stated that he appreciated the Committee's flexibility because the Commission does have the ordinance-mandated responsibility to run its Street Artists Program expense-neutral. He said that he came in late in the budget process, did a quick analysis, and that the Program Director and he were able to see that the initial fee which was being proposed would not be able to cover the complete expenses.

Commissioner Lloyd called for public comment.

Street Artist Michael Addario, reading from a prepared text, stated that he was "deeply disappointed that San Francisco's Street Artists Program, despite my recommendation for a staff reduction and numerous other costs cutting moves that would have balanced the budget with funds to spare, instead submitted a budget that ignores all my recommendations and increases our fees by 27 percent." His statement criticized the performance of the Program office staff and the staff's inability to remove unlicensed vendors; and pointed to "accounting improprieties," "lost revenue," and "increasing program costs." He also maintained that revenue was lost for the artists because 50 spaces at United Nations Plaza "have been unavailable, due to the staff's apathy and incompetence, for the last 35 years." He alleged a loss of time and cost to the artists because Program Director Lazar "is concurrently and covertly employed as a janitor" ... "or when Program Associate Russell is requested to refrain from showing up to work, but paid by the street artists, because of an irresponsible City Attorney ruling."

Continuing from his text, Mr. Addario stated that the proposed budget appeared "to be a thinly disguised, retaliatory, and pernicious attack against artists for raising valid questions of the Arts Commission's lack of oversight and mismanagement of the program staff and possible malfeasance of the program funds and assets for the last 35 years ..." Citing "the Ninth Circuit Court" as deciding that "the Constitution protects artists who are not required to have any license or to pay any fees" to sell their art, Mr. Addario stated that "possibly this is exactly what the street artists now need to do ...."

Mr. Addario's final text statement called for the Arts Commission to fund the Street Artists Program "from the million of dollars it receives each year from the 14% hotel tax ... to promote art and assist artists."

Commissioner Lloyd gave opportunity for staff to respond.

Program Director Lazar addressed Mr. Addario's allegation that he was "concurrently and covertly employed as a janitor". Mr. Lazar stated that on non-Arts Commission hours he was self-employed as a janitor, that therefore this work was not covert, and that he had declared it on

conflict-of-interest forms on file at the Arts Commission for at least the past ten years. He clarified that it was not illegal for him to have a second job, that it was his right to have one, and that the City's Department of Human Resources was cognizant of this work. He further stated the location and early morning hours in which he worked, prior to his hours of work at the Arts Commission, and said that he had learned that there were a number of Arts Commission employees who also held second jobs.

Commissioner Lloyd warned Mr. Addario against continuing a personal attack against the staff, stating that Mr. Lazar's second job did not impact the budget, and that he wanted comments to be limited to the budget.

Street Artist Virginia Travers stated that she has been a street artist since the beginning of the Program and that, while she understands that costs in the world rise, she was concerned over whether the Program's budget will continue to rise each year.

With regard to the Program Director's statements about the competitive marketplaces in Seattle and Portland, Ms. Travers stated that what San Francisco's artists "get for our $1.15 a day is a three-by-four-foot space on the sidewalk," whereas "in Seattle, it's an enclosed market" affording "ten feet per artist" along with lighting and heat; those artists, she said, "are not out on the sidewalk." The same was true for Portland. She said that that is why the licenses of those cities were more expensive: the artists "get more."

Ms. Travers went on to state that the artists "do not have any say in our Program"or where the money is spent; therefore, they should form a liaison committee that would work with the Arts Commission. She went on to cite problems of having to sell next to fellow street artists who "don't have the best intentions of the program when they are selling"; to the Commissioners and staff, she stated: "You are not affected by that." She reiterated that the artists needed to have a say as to how the Program's money is allocated as well as the direction of the Program. "Otherwise what's going to happen is that you're going to end up with a revolt." But revolting against the Arts Commission, she said, was not what the artists wanted. In lieu of this, she offered to gather a few artists on an elected basis to form a liaison committee to work with the new Director of Cultural Affairs.

She stated that the hotel tax should support the street artists; instead, she said, "we don't get anything; we get a three-by-four-foot space on the sidewalk."

Program Director Lazar clarified that, many years previously, the Program had a Liaison Committee which was elected by the street artists. He had met with the Committee monthly. The purpose of the Committee was to discuss issues – everything from street artist lotteries to budget issues – and the issues with the Committee's recommendations were brought to the Street Artists Committee which, in almost all cases, adopted the Liaison Committee's recommendations. What finally happened, however, was that the members of the Liaison Committee could not get along with each other, meetings broke down, and the Committee was disbanded.

Commissioner Lloyd said he was amenable to having a Liaison Committee reinstituted, and that he favored making changes requested by the artists. Furthermore, while he would like to see the fee held at a minimum and some of the hotel tax money come to the Program, that was not what the street artist legislation provided; the legislation was clear that the Program had to be self-sustaining.

Director of Cultural Affairs Cancel expressed support of street artist representatives working with the Commission and added that he was pleased to see that there had been precedent for this. He wanted to work with Mr. Lazar in exploring mechanisms to have the artists elect representatives who then could work with the Commission in addressing the various issues.

Street Artist William Clark stated that from 1972 to the present "we had a symbiotic relationship with the full Arts Commission in that our employees" [Street Artists Program staff] "often did little jobs which the Arts Commission requested of them" and did not "really have anything to do with the Street Artists Program." As examples, he cited the times when Program Director Lazar or Program Assistant Toni Worthy would sit at the front desk as Commission receptionist or go to the bank on behalf of the Commission or stamp the mail of all the programs of the Commission. The Commission in the past, he said, acknowledged that these little jobs would not only offset the cost of the rent owed by the Program but would save the Commission the cost of hiring a receptionist. "There were a lot of little things that we were doing that weren't related to the Program but were helping the Arts Commission; and we would like to continue to do that." But if the artists were going to be charged for various Arts Commission administrative costs, "then what you're saying to us is that we should no longer allow our employees that we pay through our fees to be doing these other non-related jobs for the Arts Commission." He stated that he surmised the cost to be 76 cents per minute; "in that regard, if you're going to ask our employees to do things, then we should have to charge you in return, but we would rather keep it the same way" in which the Program is not charged for rent or accounting service.

Mr. Clark went on to say that he respectfully had to refuse support of the proposed fee increase because of the "$275,000 of fees of our revenue that we've never gotten from the City, and before we have a fee increase, I think the Arts Commission should at least consider supporting us to get that money back."

Mr. Clark's final point was that, despite the screening committee's not having an increase in compensation for a number of years, the screening committee received an honorarium for travel and parking. If any fee needs to be raised, he said, it should be the screening committee's fee by $5 or some minimum cost, rather than the street artist's fee.

Street Artist Robert Clark stated that from 1972 to 1978 the Program collected $198,000 in certificate fees which were supposed to be used only by the Program. "We got only four thousand dollars," he said; "the City embezzled $196,000." He went on to say that $35,000 in fees, under Proposition "J" which was obtained through the efforts of his brother, was supposed to go to the Arts Commission but was "taken by the City; we never got that money." He added that with regard to "$40,000 of interest from 1991 to 1997" for which he had provided evidence to the Street Artists Committee, "the City Attorney has written bogus opinions claiming that our interest is no longer held in trust, therefore they don't have to pay it back. Including the interest on this money, this City owes us $1 million. I am opposed to any fee increase until we get our money back for our use."

Mr. Clark went on to question Program Director Lazar's proposed revenue figure of $161,100. He said that the current 390 artists, multiplied by the current $419.20 annual fee, would yield some two thousand dollars more. He wanted to know how the Program Director had arrived at the "$161,100" figure. He also wanted to know where the accounting was for the $20 application fee of new applicants, which he figured should yield approximately $5,500 a year. He also wanted an accounting of the $20 fee paid by former certificate-holders re-entering the Program. All of this, he said, should be included in the revenue fund.

Mr. Clark concluded by stating that if the Program was going to be charged for rent, then "from this point forward" the Commission should be charged $.76 a minute for every minute "our staff members ... are taken away from their time, ... for doing anything that has nothing to do with the Street Artists Program. If Howard goes down to mail a letter and he's nice enough to take the Arts Commission's letters down there, then I say we split the difference" and "charge you $.38 a minute for every time that Howard's or Evelyn's time is taken up. At the end of the year we will account for all that money. We will submit the bill to the Arts Commission to offset whatever rent fees, whatever things that you are now adding to this budget. I also suggest that, when the voters voted to put this Program into the Arts Commission, that the Arts Commission's job is to oversee this Program. Their accountants are paid a yearly salary to do the job" as part of the Arts Commission's responsibility. "We shouldn't have to be required to pay an additional fee when they are paid a yearly salary to do what the voters have asked them to do which is to oversee this Program."

Street Artist Kathleen Hallinan stated that she has been in the Program since 1974 and that she supported the idea of having a street artist liaison committee working with the Commission. She noted that the staff salaries were almost ninety percent of the budget; therefore, the artists wanted to see more accountability. She supported the request by William and Robert Clark to have the City return the street artist

fees to the Program. She went on to say that if Justin Herman Plaza were no longer made available to the artists, they would be overcrowding their spaces at Fisherman's Wharf.

Ms. Hallinan stated that, economically, "We're barely hanging in there. ... People are not buying arts and crafts ... The artists are struggling; they're having a hard time paying their rents, their fees, etc."

Street Artist Susan Pete stated that she has been a street artist for thirteen years and that "we don't get new spaces; we have been using the same spaces. Some are good; most of them are not. Every time we try to get more spaces, some business argues about it. They have more money, they have more power ..." Designers of buildings, she said, deliberately create doors to prohibit the placement of adjacent street artist spaces. With respect to the price of the street artist certificate per day, she stated that most artists do not sell every day; it is usually Friday, Saturday and Sunday. She added that, unlike the store businesses, the artists do not have any unloading rights next to some of the spaces – as, for example, Stockton Street. In Berkeley, she said, the artists receive a yellow zone permit for unloading, whereas they do not receive one for San Francisco. She expressed hope that Director of Cultural Affairs Cancel would help the artists get more spaces, even at Fisherman's Wharf.

Commissioner Lloyd stated that he had heard at least five good ideas, and that he wished to work to help the artists.

Commissioner Melania affirmed this by stating that that was the purpose for the Commissioners holding their meetings.

Commissioner Lloyd urged the artists to elect their representatives to meet and to submit concrete ideas to the Street Artists Committee.

In reference to Robert Clark's point that the Program Director's proposed revenue was $2,000 less than what it should be, Commissioner Lloyd asked Mr. Lazar for clarification.

Mr. Lazar stated that, as he had stated previously to the Committee, that the Program's revenue typically decreases at this time of the year (January through March); therefore, it would not be accurate to simply double the figure of the revenue collected from the previous July through December to arrive at a figure of annual revenue. He went on to say that the certificate fee, by law, had to reflect the true costs of the Program, and that the Commission could not request a fee higher than what was needed.

Mr. Lazar clarified that the revenue of the $20 application fee was included in the proposed figure of annual revenue, and the $20 fee revenue reflected payment by new applicants as well as former certificate-holders granted priority by the Commission to return to the Program.

Director of Cultural Affairs Cancel stated that his staff and he would be looking expeditiously at a method of electing street artists who could work with the Street Artists Committee, the staff, and himself to look for ways to improve the Program.

He went on to address the problem of a lack of unloading zones for the artists. He felt that this is an area where the Commission could advocate as an "ombudsperson" on behalf of the artists with the other departments responsible for creating such zones. Street artists who have paid their fees, he said, should be able to unload and set up shop without having to receive traffic citations.

Mr. Cancel observed that there were a number of issues raised by the artists for which the Commission wanted to be helpful. The first step was to have the artists get their representatives in place who would then assist the Commission in focusing on the key issues it should be pursuing.

Mr. Cancel addressed the allegation that staff time was not entirely devoted to the work of the street artists. It was his "observation that they are "110% devoted to the work of the street artists" and were not running errands, answering phones, or doing other activities for other programs of the Commission.

Program Associate Evelyn Russell stated that the Program Director "sits in a fishbowl" cubicle at the Arts Commission, and that he is the only director of a Commission program who does not have an office. His work requires concentration in writing and working with figures; but he does not have the opportunity to have concentrated time because he is constantly interrupted throughout the day with persons entering the suite and looking for other program personnel. Furthermore, recent remodeling of the suite squeezed his cubicle closer together – "it's like going inside of a very small closet," she said.

In response to a question by Street Artist Kathleen Hallinan, Program Director Lazar, through the chair, clarified that the dramatic increase in complaints of violation submitted to him last year was due to the Union Square Business Improvement District's efforts in helping him monitor "one of the most egregiously violated" street artist areas of the city – the south sidewalk of Market Street, between 4th and 5th Streets, adjacent to the Westfield shopping complex. While there are only six designated street artist spaces in that location, there would typically be ten to twelve street artists selling there. Time would not permit him to monitor that sidewalk every day. The Business Improvement District, in the interest of keeping the area in proper usage for the Westfield complex, offered the services of its redcoat "ambassadors" to monitor the spaces and to e-mail photos of observed violations to Mr. Lazar. As a result, he said, this is now the first time in years that it can readily be observed that no more than six artists are selling. As Mr. Cancel has stated, he said, the Business Improvement District's efforts are a boon to the Program's ability to enforce the Street Artists Ordinance.

Commissioner Melania moved that the Street Artists Program budget, as presented, for fiscal year 2008-09 with certificate fee increase be approved; the motion was seconded by Commissioner Lloyd and unanimously approved.

Commissioner Lloyd stated that he was reluctantly supporting the fee increase, and he wanted to see the proposed liaison committee work on ways to establish a fee increase which, at worst, keeps up with inflation but does not go over that. Nevertheless, the Arts Commission was presently in an unfortunate budget situation, and the fee reflected what the Director of Cultural Affairs recommended.

Director of Cultural Affairs Cancel stated that, with the creation of elected representatives to work with the Commission, one of the things required would be to examine the language of the ordinance and try to find some ways to propose changes to be taken to the Board of Supervisors so that there could be greater flexibility in not having the fee take the full burden of the costs of the Program, and to see if there were ways to subsidize the Program.

Commissioner Melania stated that, as an artist, she heard the street artists in their statement "that things are challenging in this economy; but hopefully, with the elected street artists, we can create an open dialogue to promote increased efficiency within the Program."

2. **Hearing and possible motion to approve continuous annual designation of temporary winter holiday spaces for street artists.**

Street Artist Wilham Clark stated that for the last 27 years Program Director Lazar has gone before the Board of Supervisors to request temporary locations for the winter holiday season of November 15th to January 15th. Mr. Clark was proposing that Mr. Lazar request the Board of Supervisors to approve a resolution that would provide for continuous annual designation of the same temporary winter holiday spaces. This would save Mr. Lazar time in having to prepare and present legislation before the Supervisors every year.

Commissioner Lloyd called for public comment. There was none.

Commissioner Lloyd moved that the Program Director be authorized to submit a resolution to the Board of Supervisors requesting continuous seasonal designation of temporary winter holiday spaces for street artists; the motion was seconded by Commissioner Melania and unanimously approved.

3. **Hearing and possible motion to approve certain street artist spaces, including temporary winter holiday spaces, for use on Saturdays only.**

Street Artist William Clark proposed that the Arts Commission consider submitting a resolution to the Board of Supervisors requesting certain spaces that would be available for street artist use on Saturdays only. The reason for this was that the majority of artists come out to work on Saturdays, but there were currently not enough spaces for the artists. He asked that the list of temporary winter holiday spaces be reviewed to ascertain ones that would be best suited for year-round Saturday usage. In addition, new spaces could be proposed for Saturday usage. He asked that this item be continued to the following Committee meeting to allow artists the opportunity to submit proposals. Once a "package" of spaces is determined by the Committee, a resolution designating the spaces for Saturdays could then be submitted to the Supervisors.

Mr. Clark commented that the Street Artists Ordinance was a measure passed by the voters and, as such, cannot be changed by the Board of Supervisors.

Commissioner Lloyd called for public comment. There was none.

Commissioner Lloyd stated that he would be in favor of supporting a Saturday-space increase for the Program; he encouraged the artists to return with proposals for the next meeting. He would like to see every artist in the Program able to work on Saturday.

Program Director Lazar commented that, relative to William Clark's comment about the inflexibility of the voter-mandated Street Artists ordinance, it was possible for the Program's fund to accept donations from any source; it was his understanding that this could not only include charitable gifts but also possible transfers from the general fund or the hotel tax fund.

Street Artist Robert Clark stated that the Street Artists Ordinance provides for a violator of the ordinance to be brought up on criminal charges by the District Attorney. Mr. Clark requested that evidence used in Arts Commission hearings on street artists who are found in violation be submitted to the District Attorney who has the power to levy fines against the individuals; the fines, in turn, would be able to go into the Street Artists Program's fund, and this would help the Program pay for enforcement.

Street Artist Edward Steneck asked whether the Program office had commenced verifying with the Board of Equalization the validity of the artists' State Seller's Permits. If artists do not have valid Permits, they are not paying the state sales tax they are required to collect. This would be unfair to artists like Mr. Steneck who, he said, are registered with the State and pay their taxes.

Program Associate Evelyn Russell affirmed that the office has commenced verifying the Seller's Permits. She also developed a form letter which she sends to artists attempting to renew by mail but lacking valid Seller's Permits, informing the artists of the Program's inability to renew their certificates until they produce valid Permits.

4. **Street Artists Program Director's Report.**

Program Director Lazar reported that the requested list of current street artist certificate-holders was posted on the Program's web page. At the present time, there were 392 artists.

Commissioner Lloyd thanked the eight artists (Michael Addario, Robert Clark, William Clark, Kathleen Hallinan, Lyn Magnuson, Susan Pete, Edward Steneck, Virginia Travers) for attending today's meeting.

There being no further business, Commissioner Melania moved to adjourn the meeting; the motion was seconded by Commissioner Lloyd and unanimously approved.

The meeting adjourned at 4:16 p.m.

Respectfully submitted:

Howard Lazar
Street Artists Program Director

February 26, 2008

Meeting Information

STREET ARTISTS COMMITTEE
Thursday, March 20, 2008
2:00 p.m.
25 Van Ness Avenue, Suite 70
NOTE: Change of date and time for March meeting

Agenda

1. **Hearing and possible motion to approve certain street artist spaces, including temporary winter holiday spaces, for use on Saturdays only.** *(continued from February 13, 2008 meeting)*

2. **Hearing and possible motion to approve amending Arts Commission criteria for arts and crafts to prohibit any Street Artist who is screened to sell non-handmade items from having a family unit member.** *(submitted by Street Artists Robert and William Clark)*

3. **Street Artists Program Director's Report.**

4. **New business.**

5. **Adjournment**

March 18, 2008

Notices

Explanatory documents are available for public inspection and copying at the Arts Commission office, 25 Van Ness Ave, Suite 240, San Francisco CA 94102 during regular business hours. Tel: INFO: (Howard Lazar 415-252-2583).

Public comment in regard to specific items will be taken before or during consideration of the item.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (San Francisco Campaign and Governmental Conduct Code sections 2.100 - 2.160) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 25 Van Ness, Suite 220, San Francisco, CA 94102, telephone (415) 252-3100, fax (415) 252-3112 and web site.

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Meeting Information

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STREET ARTISTS COMMITTEE

Wednesday, March 20, 2008
3:00 p.m.
25 Van Ness Avenue, Suite 70

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Members present: Commissioners Alexander Lloyd and Sherene Melania

Members absent: None
Staff present: Street Artists Program Director Howard Lazar

Commissioner Lloyd, Chair, called the meeting to order at 2:20 p.m. and asked that the Program Director's Report be given first.

1. **Street Artists Program Director's Report.**

   Continuous designation of winter holiday spaces. Street Artists Program Director Howard Lazar stated that, for each of the past twenty-six years, he has presented an Arts Commission proposal for temporary winter holiday spaces on behalf of the street artists, and that early this month the Commission approved the Street Artists Committee's recommendation that the Program Director be authorized to request from the Board of Supervisors continuous (for ensuing years) designation of the current winter holiday spaces. Mr. Lazar drafted a resolution for this and submitted it to the Board of Supervisors for a hearing. He also reported that the legislation received the support of the Union Square Association and the Merchants of Upper Market & Castro.

   Street artist certificate fee and Advisory Committee compensation rate for FY 2008-09. Mr. Lazar submitted a request to the City Attorney to draft ordinances providing for the Arts Commission's proposed street artist certificate fee and rate of compensation for the Advisory Committee of Street Artists and Craftsmen Examiners for fiscal year 2008-09.

   Lottery Committee meetings. Mr. Lazar attended the first of monthly Lottery Committee meetings, after there had been an absence of meetings for three years. At the Lottery Committee's request, he agreed to facilitate the meetings. A number of topics for improving lottery procedures were discussed, but no proposals for change were as yet ready for submittal to the Street Artists Committee.

2. **Hearing and possible motion to approve certain street artist spaces, including temporary winter holiday spaces, for use on Saturdays only** *(continued from February 13, 2008 meeting).*

   Program Director Lazar reviewed that the concept of creating Saturday-use spaces was proposed by Street Artists Robert and William Clark at the previous meeting of the Street Artists Committee, and the Commissioners had expressed receptivity to the idea. Thereupon the Clarks and Mr. Lazar had e-mailed street artists inviting them to submit proposals. Mr. Lazar received proposals from five artists (Madeline Marrow, Kathleen Hallinan, Robert Clark, William Clark, and Jimmy Sha) and forwarded these with a summary to the Commissioners. For consideration as year-round Saturday spaces, there were some current winter holiday spaces as well as totally new locations.

   Commissioner Lloyd expressed that the artists, staff, and Commissioners should consider being strategic with regard to those spaces that would be ultimately requested of the Board of Supervisors. A long list of entirely new spaces, he said, would likely be disapproved, rather than achieving, for example, some spaces that had already been previously approved and used as winter holiday spaces.

   Street Artist William Clark stated that, while the street artist ordinance allows the Board of Supervisors to designate street artist spaces on any public sidewalk, the artists and staff have, over the years, misinterpreted the public safety regulations by thinking that a space has to fully conform to the dimensions of three feet in width, four feet in length, and five feet in height. This thinking, in effect, has significantly restricted the amount of possible sidewalk space available to the artists. In truth, however, the regulations allow for an artist's display to be any size *within* the prescribed regulations – in essence, *less* than three feet by four feet by five feet. This, then, significantly opens the amount of available sidewalk space inSan Francisco.

   Mr. Clark asked that the item be continued for a month to give the artists an opportunity to survey various sidewalks and submit a more complete proposal.

   Street Artist Robert Clark stated that, over the years, the artists felt that the safety regulations were overly restrictive in that they were being used to eliminate the artists from ninety-five percent of the city. This had resulted in the artists being "ghettoized" in the Wharf and Downtown areas. He wanted to see the City and the store merchants placed in a position whereby they could not refuse to give the artists at least one location per requested street. That was why his brother and he were asking for only one location for each of the thirteen streets they had requested. Furthermore, if Saturday locations could be obtained throughout the city, some of the pressure would be removed from the spaces in the Wharf area.

   Street Artist Edward Steneck asked that the Arts Commission consider requesting that all of the winter holiday spaces be made into Saturday

spaces.

Program Director Lazar clarified that, whenever he has submitted proposals for spaces, he has always attempted to go to the Board of Supervisors without store merchant opposition, having first negotiated with the merchants of the areas affected by such spaces. If a proposal is met with merchant opposition, he has reported it to the Supervisors.

Mr. Lazar further clarified with a diagram the statement made by William Clark about a space not being required to fill the dimensions allotted by the regulations. This would allow for spaces to be placed on sidewalks narrower than twelve and a half feet, so long as an eight-foot pedestrian passageway could still be maintained.

Commissioner Lloyd commented that offering to the Board of Supervisors a change in interpretation of street artist display sizes would require more work to get the Supervisors to agree to it. This was one more reason supporting his opinion that the Commission should pursue a more practical route of making winter holiday spaces into year-round Saturday spaces. Furthermore, they would not significantly impact the community.

The Commissioner went on to advise that, if the artists wanted to request new additional spaces, he would like to see the artists as a group create a list of priority spaces subject to negotiation and, hopefully, the accord of the merchants. He recommended that Mr. Lazar, as before, assist in coordinating the artists' choices and then negotiate with the merchants on such spaces prior to submitting them to the Street Artists Committee and, ultimately, the Board of Supervisors.

Street Artist Robert Clark stated that that was the very reason for the artists coming to today's meeting: by the artists' reducing the width of their spaces, the merchants should have no legitimate right to contest the presence of only one space on an entire street. In the past, he said, whenever spaces have been proposed in other districts of the city, the merchants have opposed them, and that was why for thirty-five years no spaces have existed in those areas. On the other hand, perhaps spaces could have been obtained twenty years ago in some outlying areas if the artists had understood that spaces less than three feet wide could have been requested.

Street Artist William Clark stated that the artists would be glad to work with Mr. Lazar in achieving a list of requested spaces, and that Mr. Lazar would notify the impacted merchants for a Street Artists Committee hearing; but if the merchants do not appear, the artists' list should be forwarded by the Arts Commission to the Board of Supervisors, and the merchants would be given a second opportunity to address the issue.

Street Artist Michael Addario stated that, to him, the Wharf was the most critical area because of impending construction at The Cannery, extension of the F-line, and a downturn in street artist sales on Beach Street. He stated that he would like to see a meeting with the Port whose performers program commenced but is lacking an enforcement arm: there are still unlicensed vendors taking lucrative spaces in the area. The Port, he said, will not let the street artists sell in the same area but will let unlicensed vendors sell there. Spray painters with generators are still present. While the Port, he said, cannot enforce its own program, it discriminates against the street artists.

Mr. Addario went on to state that there was a First Amendment issue under which, he said, the street artists should be allowed to set up anywhere. A law which is currently being challenged, he said, states that anyone selling painting, photography, CDs, or books can sell these anywhere on any sidewalk or in any park. This, he asserted, was what the Port was basing its program on.

At the end of public comment, Commissioner Lloyd tabled the item. He requested that the artists and Mr. Lazar submit a consolidated, carefully researched package of proposed Saturday spaces which could include some locations at the Port.

Commissioner Melania asked that previously used spaces be indicated on the list of proposed Saturday spaces.

3. **Hearing and possible motion to approve amending Arts Commission criteria for arts and crafts to prohibit any Street Artist who is screened to sell non-handmade items from having a family unit member.**

Program Director Howard Lazar clarified the definition of "family unit": two or more street artists jointly engaged in the creation or production of an art or craft item, no one of whom stands in an employer-employee relationship to any of the other members of the unit. The benefit of a product's being produced by two or more artists, he said, is that the product can be displayed by all family unit members at different times or simultaneously. He went on to exemplify typical family unit contributions to various arts and crafts, including computer-generated art, licensed by the Street Artists Program.

Street Artist William Clark stated that on October 4, 1999, the Arts Commission changed its criteria from limited editions to unlimited editions of third-party produced reproductions of an artist's artwork. Mr. Clark stated that, while he was not asking for an outright elimination of family units per se, once the limitation was lifted, no safeguards remained. For example, if an artist makes a drawing with his family unit member contributing some aspect to it, and the drawing is shipped to a third party for its reproduction, an unlimited number of prints can be sold by both unit members. But if a photographer has his photograph reproduced by a third party, and afterward the photographer brings into the Program a family unit member, that new individual should not be allowed to sell the product for which he made no artistic contribution. Yet there have been problems as, for example, when an artist does a drawing, a second artist paints one color on it, the drawing is mass produced, and it is exhibited on the street with only one artist's name on it. He stated that Street Artists Sharon MacDougall and Edward Steneck were doing this. Mr. Steneck was observed selling Ms. MacDougall's prints with his name only on them. Mr. Clark told Mr. Steneck that that was a fraud to the public, and that on each item for which they are a family unit both of their names should appear.

In response to a question by Commissioner Lloyd, Mr. Clark stated that the actual harm being caused by this is that there is no safeguard against a newly acquired family unit member selling items that had been previously screened as the sole work of the other family unit member, the new member becoming, in effect, the salesperson for the other member. The fact that prints of photographers or artists are being produced by third parties creates a loophole for such items to be sold by persons who did not contribute to the creation of the originals. At present, there are family units with more than one oversized display selling prints being sold by a person whose name does not appear on the prints. Mr. Clark has heard such persons tell the public: "This is my husband's paintings." Such displays are mathematically eliminating prime spaces on prime selling days from artists who try to sell their own handmade (not third-party reproduced) items.

Mr. Clark went on to say that, while current criteria for prints allows artists to simply stamp the back of a print with the artist's name, he would like to see items created by a family unit and reproduced by a third party bearing the names of all family unit members on the front of the print itself. He also stated that any prints of new artwork jointly created by a family unit should first be approved by the Advisory Committee of Street Artists and Craftsmen Examiners before any member of the family unit is allowed to sell them.

Mr. Lazar explained a problematic situation. An artist will be screened and approved to sell prints of his own artwork; he will then acquire a family unit member who is screened and approved to sell prints of artwork they jointly create. While the reproductions of the jointly-created artwork are then legally displayed by both artists, the new family unit member will likely begin selling prints of the work created solely by the original artist. This is illegal, and it becomes an enforcement problem for the Program. However, he said, the problem may be fixed if the names of all unit members who created the original artwork would be required to appear on the face of each of work's reproductions.

Commissioner Lloyd asked Mr. Clark if he had anything more to say on the item, and Mr. Clark affirmed that he had a few more points to make. Commissioner Lloyd then stated that, if that was the case, Mr. Clark's brother could finish his presentation for him during his brother's

allotted time period.

Street Artist Sharon MacDougall showed samples of paintings she created with Street Artist Edward Steneck and which they both signed. She stated that she objected to the notion of having to be screened for each painting they create. She further stated that she and Mr. Steneck simultaneously sell in different locations and that, while they are at their displays, they stamp the back of their prints with both their names. The artist (MacDougall or Steneck) who is the one to mat the prints on any given day is the one who signs the mat with his/her name only. The signing of the print, she said, is voluntary; while the stamping of the names and the nature of the print on the back of the print is required by the Arts Commission criteria for prints.

The Commissioners viewed the stamped names on the back of the sample prints shown by Ms. MacDougall.

Mr. Lazar clarified that the Commission's criteria provide that artists who sell prints, either created by the artist or reproduced by a third party, must attach to the back of each print a statement containing the artist's name and the type of print (for example, laser print, offset lithograph, monoprint, etc.). The criteria allow for the statement to be enclosed with the print in clear plastic and not necessarily glued or taped to the back of the print. Furthermore, the screening committee, he said, has not insisted that prints or other third-party produced products be signed on the front of the products; rather, the screening committee has been satisfied with seeing a name statement on the back of the product or in its plastic envelope.

Commissioner Lloyd, expressing enthusiasm for the work shown by Ms. MacDougall, suggested that the Committee consider the idea of allowing time at each Street Artists Committee meeting for a street artist to show his/her work.

Commissioner Melania stated that she felt that the imprint of both names on the back of the prints was sufficient in informing the public that the work was created by both artists.

Street Artist Robert Clark commented that if he were a tourist walking down the street and viewed Mr. Steneck selling his matted prints with only his signature on the mat, Mr. Clark would believe that the original art was created by Mr. Steneck alone. If, however, the work was created by both Mr. Steneck and Ms. MacDougall, Mr. Clark would want to see both names appearing on the front of the prints themselves (not on the mats). Otherwise, he said, a fraud was being committed.

Commissioner Melania affirmed that Ms. MacDougall's name appeared with Mr. Steneck's on the back of the prints.

Mr. Clark countered that Ms. MacDougall's name was not on the front of all of the prints. He stated that it was easy for Ms. MacDougall to come to the meeting and show a print with her signature on the front of it and claim that it proves she signs the front of all her prints, when all it proved was that she signed the front of that particular print. Mr. Clark then stated that he personally saw Mr. Steneck selling Ms. MacDougall's prints without her signature anywhere on the front of the print or on the mat.

Commissioner Lloyd asked Ms. MacDougall if she felt it would be reasonable for her and Mr. Steneck to mutually sign all their prints.

Street Artist Robert Clark stated that the signing should be on the front of the prints for the public's awareness of two people having created the works. Otherwise, it could be a fraud. He spoke of the incident of his viewing Mr. Steneck selling prints whose front bore only his name and, under questioning by Mr. Clark, Mr. Steneck telling him that it was, in fact, one of Ms. MacDougall's paintings and that he had done only a very small portion of the original artwork. Mr. Clark asked him why her name did not appear on the front of the print as well, and Mr. Steneck told him that the appearance of both names on the prints would confuse the public. Mr. Clark told Mr. Steneck that he was committing fraud.

Mr. Clark reiterated that if the Commission had not rescinded its limited edition rule, it would not be faced with scams of this nature.

To the Commissioners Mr. Clark stated that if items were created by both Mr. Steneck and Ms. MacDougall, the two artists should be proud to put both their names on them, and it would not matter if the public got confused.

While Commissioner Lloyd stated that he understood Mr. Clark's point, Mr. Clark continued on. The Commissioner stated that Mr. Clark had already exceeded his three minutes, to which Mr. Clark stated that, after working for thirty-five years on the Street Artists Program, he was due the respect of being allowed to finish his statement even if it took longer than three minutes. He went on to express his suspicion of any artist allowed to paint in areas of a composition that had been pre-drawn or pre-painted by another artist: it was like "paint by numbers," a process not allowed for certification in the Street Artists Program. If Mr. Steneck was told to "scam the rules" by painting in prescribed areas of Ms. MacDougall's compositions, Mr. Steneck's contribution could not be considered as a significant contribution to the product and he should thereby not be considered a family unit member.

Mr. Clark added that he did not feel that an artist who is originally screened to sell an original product which is now an unlimited print should allow another artist to sell the print, even if the other artist claims they now contributed something to the original. Increasing the problem is the Arts Commission's rescission of limited prints which paved the way for artists to sell hundreds of prints, causing problems for the other artists who are creating limited handmade items. "We can't compete with those people anymore," he said; "they're taking up our spaces: they're putting out oversized displays; they're parking their cars at the parking meters with their trunks full of sweatshirts and photos and prints: as a result we have the Port coming down on Howard, saying 'Hey, look, you people are taking up the meters, you're parking your cars here all day, you're putting up oversized displays.' ..." Legitimate family unit members, he said, should be allowed to sell only those items for which they were mutually approved. They should come to a screening and show what they do on each painting; otherwise, the situation was too ripe for artists to scam the rules by acquiring family unit members to sell for them. Mr. Clark finished his presentation.

Street Artist Michael Addario interjected that it "was a long three minutes we just had to endure."

Mr. Clark reiterated that if the Commission had not rescinded its limited edition rule, it would not be faced with scams of this nature.

A verbal interchange ensued between Mr. Addario and Mr. Clark.

Commissioner Lloyd acknowledged the existence of elements of the Program that required fixing. Mr. Clark continued to tell Mr. Addario and the Committee that he was not going to allow Mr. Addario or anyone else to insult him after he had worked for thirty-five years on the Street Artists Program. The Commissioner stated that Mr. Clark had spoken far more than anyone at the meeting; to which Mr. Clark again stated that he would not tolerate being insulted by Mr. Addario.

At this point, Mr. Addario stated that Mr. Clark "won't shut up."

A shouting match between the artists ensued.

Commissioner Lloyd banged his gavel, and warned everyone that if a respectful conversation could not take place, he would adjourn the meeting.

Mr. Clark loudly reiterated that he did not want to be insulted by Mr. Addario.

Commissioner Lloyd abruptly adjourned the meeting at 3:12 p.m.

Respectfully submitted:

Howard Lazar
Street Artists Program Director

April 1, 2008

Meeting Information

STREET ARTISTS COMMITTEE
Wednesday, May 14, 2008
3:00 p.m.
25 Van Ness Avenue, Suite 70

Notice of Cancellation of Meeting

The regular meeting of the Street Artists Committee of the San Francisco Arts Commission scheduled for Wednesday, May 14, 2008 has been cancelled.

May 8, 2008

Notices
Explanatory documents are available for public inspection and copying at the Arts Commission office, 25 Van Ness Ave, Suite 240, San Francisco CA 94102 during regular business hours. Tel: INFO: (Howard Lazar 415-252-2583).

Public comment in regard to specific items will be taken before or during consideration of the item.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

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Meeting Information

STREET ARTISTS COMMITTEE
Wednesday, June 11, 2008
3:00 p.m.
25 Van Ness Avenue, Suite 70

Notice of Cancellation of Meeting

The regular meeting of the Street Artists Committee of the San Francisco Arts Commission scheduled for Wednesday, June 11, 2008 has been cancelled.

June 9, 2008

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Meeting Information

STREET ARTISTS COMMITTEE
Wednesday, July 09, 2008
3:00 p.m.
25 Van Ness Avenue, Suite 70

Notice of Cancellation of Meeting

The regular meeting of the Street Artists Committee of the San Francisco Arts Commission scheduled for Wednesday, July 09, 2008 has been cancelled.

July 1, 2008

Notices

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Meeting Information

STREET ARTISTS COMMITTEE
Wednesday, August 13, 2008
3:00 p.m.
25 Van Ness Avenue, Suite 70

Amended Agenda

1. **Hearing and possible motion to approve issuance or renewal of certificate.**

   Leah Mazor - Certificate #5479. Alleged violation: June 6, 2008 - Conducting business in an improper, disorderly, hazardous manner: attempting assault (throwing a glass bottle at a person).

2. **Street Artists Program Director's Report.**

3. **Hearing and possible motion to approve request for an ordinance to rescind Ordinance No. 383-96 (Application/Examination Fee of $20.00) and to establish new application/examination fee of $100.00.** *(by petition of 54 street artists)*

4. **Hearing and possible motion to approve the following recommendations of street artist Lottery Committee:**

   (a) Requirement for each Lottery Committee member to conduct at least seven (7) of his/her scheduled lotteries in a three-month period.

   (b) Provision for Lottery Committee members to be designated helpers.

   (recommendations from 5/29/08 Lottery Committee meeting)

5. **Hearing and possible motion to change the schedule of meetings of the Street Artists Committee from monthly to bi-monthly.**

6. **New business**

7. **Adjournment.**

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August 5, 2008

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STREET ARTISTS COMMITTEE

Wednesday, August 13, 2008
3:00 p.m.
25 Van Ness Avenue, Suite 70

MINUTES

Members present: Commissioners Alexander Lloyd, Chair, Ninive Calegari, Sherene Melania

Members absent: Pop Zhao

Staff present: Director of Cultural Affairs Luis R. Cancel, Street Artists Program Director Howard Lazar

Commissioner Lloyd, Chair, called the meeting to order at 3:10 p.m. and welcomed Commissioner Calegari to the Committee who, at the Chair's request, spoke of her professional and familial achievements.

1. **Street Artists Program Director's Report.**
Street Artists Program Director Howard Lazar reported on the following recent events:

a) The new street artist certificate fees ($133.07 quarterly fee and $532.28 annual fee), enacted by the Board of Supervisors for fiscal year 2008-09, commenced in mid-July.

b) The Program Director proposed and obtained from the Board of Supervisors nine new weekend spaces onMarket Street that were requested by the Arts Commission on behalf of 110 artists of Justin Herman Plaza. So that the artists could immediately use the new spaces during the current summer season, Mr. Lazar requested and swiftly received the Mayor's signature on the legislation. In the thirty-six-year history of the Street Artists Program, this was the first time that sidewalk spaces were designated to be greater in display size than that which is allowed by the regulations: rather than being designated as the standard size of three feet by four feet, the nine spaces were exempted from the regulations and designated as ten feet by ten feet!

Mr. Lazar expressed his appreciation for the assistance of the following street artists: Madeline Marrow for initially submitting a proposal to him for the spaces; Tad Sky for drawing an initial map of the proposed spaces, for sharing in the negotiation with the adjacent hotel representatives, and for speaking on behalf of the proposal at the Board of Supervisors; and Maria Hillius and Gary Freed for representing the artists at the Supervisors' hearing.

(Commissioner Lloyd congratulated the Program Director and the artists who were involved in this project. He commented that this was a perfect example of how street artists and Arts Commission staff can work together beneficially.)

c) The Program Director, as hearing officer, conducted two hearings with street artists on alleged violations which resulted in the artists having a better understanding of the rules and a willingness to comply.

d) The Program Director initiated and participated in a meeting with an ad hoc liaison group of artists with concerns about selling activities at Justin Herman Plaza. Further meetings are anticipated.

e) The Program Director has been meeting monthly with the artists' space-assignment Lottery Committee at Fisherman's Wharf in order to clarify rules and procedures and to receive lottery recommendations for Arts Commission consideration – for example, the two motions on the current Street Artists Committee agenda.

2. **Hearing and possible motion to approve issuance or renewal of certificate.**

Leah Mazor – Certificate #5479. Alleged violation: June 6, 2008 – Conducting business in an improper, disorderly, hazardous manner: attempting assault (throwing a glass bottle at a person).

Program Director Howard Lazar referred the Commissioners to a February 1, 1983 letter by the City Attorney delineating the Arts Commission's jurisdiction in suspending or revoking a street artist's certificate. The City Attorney affirmed the Commission's authority in denying, suspending or revoking an artist's certificate for (1) selling activity in both designated and non-designated areas and (2) for conducting business "in a disorderly, improper or hazardous manner." A case of assault or attempted assault could be considered an expression of "disorderly, improper or hazardous" conduct of business. The incident involving street artist Ms. Mazor fit into that category.

By permission of the Chair, Mr. Lazar requested the following three witnesses to each give testimony and respond to questions by the Commissioners and Mr. Lazar:

Street Artist Michael Addario, reading from a prepared statement, described Justin Herman Plaza as a "premier location" for the artists. He stated that on June 6, 2008, at approximately 3:30 p.m., while he was adjusting his prints in his booth, he "heard glass break and turned to find glass shattered alongside and in front of my booth." A female pedestrian stated to Mr. Addario that "a woman in a red jacket just threw a glass bottle. The woman in the red jacket she pointed to," Mr. Addario stated, "was San Francisco street artist Leah Mazor." Although, he said, he did not witness the bottle being thrown, he could "testify to the disruption the glass bottle shattering on the pavement caused, at the jeopardy of the flying glass shards exposed fellow street artists and members of the public."

Mr. Addario went on to state that he approached Ms. Mazor and asked her if she threw the bottle. He stated that "Ms. Mazor responded: I didn't throw it at you; I threw it at that man." Following this response, street artist Dana Boyko approached Ms. Mazor and later related to Mr. Addario that she asked Ms. Mazor why she had thrown the bottle, to which Ms. Mazor allegedly told her: "He pissed me off." According to Mr. Addario, Ms. Boyko informed Ms. Mazor that "her behavior was unacceptable."

Continuing to read from his prepared text, Mr. Addario commented that Ms. Mazor's action could have caused a victim – adult, child, or infant - blindness, disfigurement, or death. Her action, he said, "shows a disrespect for the life and safety of others. Moreover, her malicious behavior is not only inexcusable but calls into question her present mental stability. ... She is a menace to all who are in her vicinity." He recommended that the Street Artists Committee revoke her certificate and refer the case to the District Attorney for criminal prosecution.

Mr. Addario submitted a map which showed, he said, where all the artists were set up in the Plaza on the day of the incident. He pointed to his location, Ms. Mazor's location, and the direction of the thrown bottle which, he said, was a distance of over forty feet.

Mr. Addario also submitted a bag containing, he alleged, the broken glass of the bottle which Ms. Mazor had thrown and "the rag that we cleaned it up with." He stated that Ms. Mazor left the premises without cleaning up, and he and other artists "were forced to clean up the Plaza."

Under questioning by Program Director Lazar, Mr. Addario affirmed that Ms. Mazor had admitted to having thrown the bottle at a man; but Mr. Addario stated that he did not see the man to whom Ms. Mazor had allegedly thrown the bottle.

Street Artist Dana Boyko told the Commissioners that she agreed with what Mr. Addario had stated and that she "heard the bottle smash; I was about twenty feet away." She observed that the bottle had smashed "all over one of the street artist's prints and paintings", those of Eduardo Guzman. She asked what had happened, and a woman told her that "that lady there in the red sweater threw the bottle at this guy." Ms. Boyko approached Ms. Mazor and asked her what had happened, and "she said 'he pissed me off'." Ms. Boyko then reprimanded her for the "unacceptable"action: " 'this is where we work; you can't throw glass at people'."

Ms. Boyko then related that she wanted to know Ms. Mazor's side of the story and therefore invited her to coffee the following week. Ms. Mazor told her that "she knew immediately when it" [the bottle] "left her fingers, that she regretted it, that she wasn't justifying it in any way, she had had a bad day, and that's what she chose to do."

Under questioning by Program Director Lazar, Ms. Boyko stated that she did not see the man to whom Ms. Mazor had allegedly thrown the bottle. She further stated that she did not see her throw the bottle.

Ms. Boyko went on to state that, in her conversation with Ms. Mazor, she told her that " 'I did not *throw* the bottle; I *rolled* the bottle.' To which Ms. Boyko replied, that she did not believe her "because I never heard the bottled being rolled for however many feet, and it wouldn't smash like that. I work with glass."

In examining Mr. Addario's map, Ms. Boyko pointed to her location, the location of Eduardo Guzman, the location of where the bottle landed, and the location of Leah Mazor some fifty feet away.

Street Artist Amparo Roman told the Commissioners that on the day of question she was working near Leah Mazor's display. A man, carrying a bottle, approached Ms. Mazor from the direction of the Ferry Building, left the bottle on Ms. Mazor's table, and walked away. Ms. Mazor picked up the bottle and threw it at him (Ms. Roman raised her arm in a throwing position). The bottle hit Eduardo Guzman's display.

Under questioning by Program Director Lazar, Ms. Roman affirmed that she actually saw Ms. Mazor throw the bottle, that she *threw* it and not rolled it. Furthermore, she threw it at the man.

In response to a question by Commissioner Melania, Ms. Roman stated that Ms. Mazor did not ask the man to remove the bottle.

Commissioner Lloyd asked Ms. Mazor to respond to the charge.

Ms. Mazor stated that she was seventy feet away from Eduardo Guzman – and neither thirty nor forty feet away. She went on to relate that it had been a slow day and she had not been in a good mood. "No matter what I say," she told the Commissioners, "I'm not going to justify what I did." But, she said, she did not feel that she deserved the "lynch" [mob] attitude that some people took against her. Prior to addressing the issue, she described an incident which occurred a long time before the current incident in which she was abused by an artist while she was running the [unofficial] lottery for spaces at Justin Herman Plaza and for which the Program Director did nothing to rectify. Secondly, for two and a half years she "had a problem with Philip Northrop" which resulted in her writing to the Program Director, a warning which was sent to Mr. Northrop, and Mr. Northrop's problematic behavior continuing. A further incident occurred between them and, according to Ms. Mazor, the Program Director refused to take action, and she "had no choice but to spend a lot of money, go to court", and obtain a restraining order against Mr. Northrop. She now asked why "all those issues" that she had submitted never received correction, whereas now, when *she* did something, everyone was treating her with a "lynch" [mob] attitude.

Addressing the current incident, Ms. Mazor stated that the man placed his glass bottle on her table, and the bottle was empty. She took the bottle and yelled at him: "Hey, you left the bottle here!" He did not respond. She considered running after him to give him the bottle; but, she said, "I was too lazy, too stupid ... I'm not justifying what I did." She emphasized that she "did *roll* the bottle" and that "the bottle rolled right in the corner" of Eduardo Guzman's wooden box where it "smashed." There is no way," she said, "that I can throw a bottle ...seventy feet." She affirmed that she regretted having committed the act.

She went on to say that not one artist has come forward to tell about the positive things she did for the Plaza for the past twelve years. She helps out when the artists are faced with displacement from the Plaza by special events, negotiating with the promoters of such events. Similarly, she negotiated with Public Works personnel and, working with the Street Artists Program Director, saved the artists from losing an important selling area of the Plaza. In times of absence of the designated street artist "market manager," she helps artists who are confused about the locations of the spaces. She has marked the spaces and has never asked for any favor for doing so. She did these things because she "wanted everything to be smooth and nice at the Plaza." Therefore it was "stupid" to accuse her for jeopardizing "everything in the Plaza all the time" for the one regrettable act she had committed. For this, she said she deserved a warning but not certificate suspension or revocation.

She added that her file would show that her "last problem ... was many years ago."

She submitted a letter on her behalf from street artists Debra Skotland and James Ruark who were unable to attend the hearing. (Program Director Lazar stated that he had forwarded copies to the Commissioners.)

Commissioner Lloyd acknowledged that Ms. Razor regretted the incident but asked her if such an incident was liable to occur again. She replied that no prior incident had occurred during the past fifteen years of her certification as a street artist, and that she did not think she would commit such an act again. While "I ...yell ... scream" and "have arguments with people, I do not fight physically with them."

Commissioner Lloyd called for public comment.

Street Artist Kathleen Hallinan, reading from a prepared text, stated that there were two simple rules of the Street Artists Program: (1) The artists must make their own products; and (2) that there must be no acts of aggression among the artists. With regard to the second "rule", she stated that the Arts Commission's policy must be made clear "that safety and non-violence is of the utmost importance to us, and no prejudice or acts of aggression towards others can be tolerated." The artists, she said, are a close-knit group of people who have to work together in close proximity on a daily basis; nevertheless, while sometimes "views differ" and "tempers flare ... you must not allow individual artists to act aggressively or violently either toward each other or to the public." She asked that such issues "be individually dealt with, corrected, and stabilized." She also asked that the Commission exercise a "no tolerance policy toward any acts of aggression" for the artists' personal safety, the public's safety, and the survival of the Program.

Through the Chair, Street Artist Dana Boyko questioned Ms. Mazor as to her location during the incident. Ms. Mazor replied that she was signed into space "36". Ms. Boyko stated that the map submitted by Mr. Addario showed Ms. Mazor signed into space "32." Ms. Mazor again affirmed that she was in "36," and that Juanita Havet was next to her in "38", to which Ms. Boyko disagreed by stating that, according to the map, Juanita Havet was in "34." Ms. Boyko stated that there may be some relevance to be considered in the distance the bottle travelled, that it smashed thirty feet away from Ms. Mazor.

Street Artist Michael Addario stated that the artists' spaces at the Plaza are ten feet by ten feet, every block of spaces being ten feet, and the space between the blocks fifteen feet – all of which makes it possible to judge that the distance of the throw was much less than seventy feet. Mr. Addario went on to say that this was the most serious incident of a long line of incidents involving Ms. Mazor. He stated that he personally observed her shoving street artist Lindsay Wahlborg. He also saw her almost start a fight in the middle of the Plaza when someone came through her booth and

she kicked the person. In addition, he said, "there were reports of her slapping somebody in the face" who "was videotaping in the market." Mr. Addario also stated that he saw her scream at a police officer at six o'clock in the morning about a restraining order dealing with Philip Northrop.

At this point, Director of Cultural Affairs Luis Cancel recommended that the Commissioners hear only relevant testimony to the specific incident listed on the agenda. He stated that the previous events described by Mr. Addario were not germaine to the current incident. Therefore, it was prejudicial to allow comments that are unsubstantiated in any way by other individuals and could work against the objective of a fair hearing.

Commissioner Lloyd thanked the Director for this observation but clarified that the hearing was not bound by the constraints of a court of law.

Mr. Addario stated he disagreed with Mr. Cancel because "it pertains to a state of mind and it shows that these incidents are escalating."

Commissioner Melania stated that the "Notice of Hearing" sent to Ms. Mazor acknowledged a previous warning notice that had been sent to her.

Program Director Lazar clarified that, while Ms. Mazor had told the Commissioners that she had not been involved in any prior incident for the past fifteen years, on January 23, 2006, the Program Director sent her a written warning for assaulting a street artist. The incident, he said, was relevant to Mr. Addario's statement of having observed her allegedly push Lindsay Wahlborg. Ms. Wahlborg submitted a written complaint to Mr. Lazar that she had been pushed backward ten feet. On the basis of the complaint, he sent Ms. Mazor a warning.

Commissioner Lloyd offered opportunity to Ms. Mazor to respond to the comments.

Ms. Mazor stated that, in response to Mr. Addario's comments, Mr. Addario did not see her hit anyone. Furthermore, she did not slap the face of anyone; she covered a camera with her hands to prevent someone from taking pictures of her work. She said that she was a "strong personality" who cannot be manipulated.

Director of Cultural Affairs Cancel asked the Program Director about the range of possible actions which the Commission could take in documented incidents of acts of aggression.

Mr. Lazar responded that the Street Artists Committee has the authority to do one of the following: (a) dismiss the case for lack of a preponderance of evidence; or, if there is a preponderance of evidence, (b) issue a warning; (c) suspend the certificate for any duration – for example, one week to two months; (d) divide a suspension period to coincide with one or more significant selling seasons; or (f) revoke the certificate or refuse to renew it. It has been the Program Director's observation that the Committee seldom revokes or refuses to renew a certificate unless (a) an onerous offense was committed, or (b) there is a history of violations for which the Commission has already taken disciplinary action against the artist's certificate and the artist's continued lack of adherence to the rules appears incorrigible. Any action to suspend, revoke, or deny renewal is appealable to the Board of Appeals.

The Commissioners discussed the case.

Commissioner Melania noted that Ms. Amparo had stated that she actually saw Ms. Mazor throw the bottle.

Commissioner Lloyd stated that it clearly was an act that could not be tolerated, as it endangered the well-being of the other artists and the public. On the other hand, he was hesitant to revoke the certificate of an artist who has not been before the Committee previously and is now in a hearing which has received much hearsay testimony. To consider keeping someone from earning their living, the Committee, he said, should be "very judicious."

Commissioner Lloyd moved that Leah Mazor be found in violation for conducting business in an improper, disorderly, hazardous manner by attempting assault; the motion was seconded by Commissioner Calegari and unanimously approved.

Commissioner Calegari stated that she was not in favor of revoking Ms. Mazor's certificate. While she was moved by the fact of Ms. Mazor's livelihood, she acknowledged the value of the testimony given by Mr. Addario and others. However, she felt that any penalty recommended by the Committee should be as moderate as possible while still fair.

Commissioner Lloyd commented that strong penalties have typically been handed down on cases where there was a preponderance – particularly photographic - of evidence. But in the present case, he said, while it was clear that what Ms. Mazor did was wrong, it was difficult for him, based on hearsay of what people saw, to take away her license. If she were to be brought before the Committee on a future complaint, he would not be inclined to be lenient.

Commissioner Melania stated the safety of the other artists and the public had to be considered.

Commissioner Calegari agreed, commenting that she would be upset if a glass shattered near her daughter. The Commissioner asked for a recommendation from the Program Director.

Mr. Lazar commented that there was a lack of photographic evidence. There was strong witness testimony to having seen Ms. Mazor throw the bottle but this was the testimony of only one witness. Mr. Lazar recommended a suspension

of certificate for two weeks.

In response to a question by Commissioner Lloyd, Mr. Lazar stated that Ms. Mazor could appeal the decision to suspend to the Board of Appeals. He outlined the steps involved.

Mr. Lazar reiterated that the Commissioners could consider deferring the suspension to a more meaningful, businesswise time of the year.

Commissioner Lloyd mentioned that the Board of Appeals has, in recent history, overruled the Arts Commission's decisions; the Board, he said, tends to give defendants as much benefit of the doubt as possible. He did not wish to have to go before the Board of Appeals for a suspension in a case such as this one where the evidence was much less clear than that of a previous case. In that appeal the Arts Commission had *overwhelming* evidence of a licensee's *multiple* violations over a year's period, but this resulted in the Board siding against the Commission.

Commissioner Melania stated that she did not feel the Board's posture should factor into the Committee's decision.

Mr. Lazar clarified that any suspension handed down to Ms. Mazor would not go into effect until twenty days later which is basically the end of summer; therefore, the Committee might wish to defer the suspension to a more meaningful time of year.

Commissioner Calegari responded that her goal was not to see that Ms. Mazor would be unable to pay her rent; she would not want to penalize her when she has the potential to earn a living. The Commissioner's goal was to see that a message is conveyed that the Commission is trying to create a safe community. Therefore, it did not matter when Ms. Mazor's suspension would occur.

Commissioner Lloyd stated that he felt that Ms. Mazor was more likely to appeal a suspension rather than a warning. However, if his colleagues favored a two-week suspension, he would support it.

Commissioner Lloyd stated that if Ms. Mazor were to commit a similar offense in the future, it would be much easier for his Committee to come to a decision for a harsher penalty.

Commissioner Melania moved that Ms. Mazor's certificate be suspended for a period of two weeks; the motion was seconded by Commissioner Calegari and unanimously approved.

Commissioner Lloyd asked Ms. Mazor to take the Committee's decision as a stern warning.

Ms. Mazor responded that she was going to appeal the decision.

3. **Hearing and possible motion to change the schedule of meetings of the Street Artists Committee from monthly to bi-monthly.**

Program Director Lazar clarified that the reason for his request that the Committee meet bi-monthly was due to the fact that there was not always enough items to warrant the Committee's consideration on a monthly basis.

Director of Cultural Affairs Cancel stated that the second issue was that, because the Commissioners serve on multiple committees, it was his recommendation that work on the Street Artists Committee's calendar be concentrated so that the Commissioners' time is best used to balance their activities among the various committees. Going to a bi-monthly schedule would be a more efficient use of the Commission's time.

Commissioner Lloyd affirmed that if there were a specific motion to be required on an issue that cannot wait for two months, a meeting could be called to hear it on a month's notice.

Commissioner Lloyd called for public comment.

Street Artist Tad Sky urged that the meetings be held monthly and that any meeting be cancelled if there is an insufficient amount of items to warrant it.Otherwise, if the meetings were bi-monthly, certain issues that are important to the artists would not be heard for a long time. Over the years he noted that, even with the current monthly schedule, there were no more than eight or nine meetings held per year.

Street Artist Michael Addario, reading from a prepared text, stated that this matter was originally submitted to a vote of the April 7, 2008 meeting of the full Arts Commission without "our knowledge, discussion or approval by the street artists or public." He filed a complaint with the Sunshine Ordinance Task Force, and the Task Force found that the Commission "violated Section 67.5 of the Sunshine Ordinance for holding a seriatem meeting at committee level through two committee members at a non-public meeting and without public input." Because a further hearing of the Task Force was scheduled for August 13th, both Mr. Addario and Program Director Lazar requested a continuance because of the Street Artists Committee's meeting scheduled for the same date.

Mr. Addario stated that he was "strongly opposed to any further voting on this matter until all parties can meet with the San Francisco Task Force Ordinance Compliance and Amendments Committee in September, 2008." He added that any motion "to re-introduce this resolution will only reinforce in the minds of many that this hearing is only a charade,

and that the San Francisco Art Commissioners have already formulated their decision; and this could possibly generate another complaint."

Street Artist Edward Steneck stated he agreed with Tad Sky's statement; it was very important that the meetings be held monthly unless there are reasons for some meetings to be cancelled.

Street Artist Madeline Marrow stated that people's interest and memory of items tend to fade if they have to wait two months for their item to be heard.

Mr. Cancel wanted it noted for the record that there were at least 12 individuals of the public present.

Street Artist Sureyya Ozsoy stated that she agreed with the statements made by the other artists.

Street Artist Kathleen Hallinan stated that she favored monthly meetings.

Closing public comment, Commissioner Lloyd stated he did not mind meeting more than six times a year if it were necessary, and that he was not inclined to vote for changing the schedule to bi-monthly meetings.

Commissioner Melania noted that there had been issues of quorum in the past; having meetings bi-monthly would help.

Director of Cultural Affairs Cancel stated that a bi-monthly schedule would help to organize limited staff time in preparing all the agenda items and other matters relevant to a meeting. He went on to say that, as he administers the entire agency, he has observed that the Street Artists Program has only two staffpeople "and it is a miracle that they manage to do as much as they accomplish. Between responding to complaints, going out to the field, issuing the licenses ... responding to floods of e-mails regarding one particular individual's issues or another. ... Staff time gets eaten up. Reducing the amount of meetings will provide for a better use of staff utilization."

Commissioner Calegari stated that if six meetings were to be scheduled for the year, the Commissioners could always make sure there would be a quorum. Speaking, she said, as a new Commissioner, she has found an overwhelming amount of Commission work coming to the Commissioners. Nevertheless, if there were an urgent matter, the Program Director could request an urgent meeting.

Commissioner Calegari moved that the schedule of meetings of the Street Artists Committee be changed from monthly to bi-monthly; the motion was seconded by Commissioner Melania. The Commissioners voted as follows:

Yes — Calegari, Melania
No — Lloyd.

The motion passed.

4. **Hearing and possible motion to approve request for an ordinance to rescind Ordinance No. 383-96 (Application/Examination Fee of $20.00) and to establish new application/examination fee of $100.00.**
(submitted by petition of 54 street artists)

Program Director Lazar explained that new applicants for street artist certificates are required by ordinance to pay a $20 fee to cover the costs of processing their applications and the examinations of the wares they intend to sell. The examinations are performed by the Advisory Committee of Street Artists and Crafts Examiners who determine that the wares are of the applicants' own creation.

Mr. Lazar went on to state that another ordinance provides for the members of the Advisory Committee to receive compensation for a yearly total of thirty-five meetings, studio visits, or assignments of monitoring duty. The compensation is $100 per meeting, studio visit, or monitoring assignment. With regard to the Committee's examinations, the wares of approximately 135 new applicants are screened annually. Concomitantly, approximately the same number of certificate-holders leaves the Program annually. For last seven to eight years, the Program has maintained an approximate 390 – 400 licensed artists annually.

Mr. Lazar stated that his understanding of the reason for the 54 artists signing a petition to raise the application/fee was to generate additional revenue to cover more time for Advisory Committee monitoring (at the artists' selling locations). While the Advisory Committee is governed by 35 meetings/studio visits/monitoring assignments per year, and while the artists' certificate fee was recently raised, the certificate fee was not raised high enough to provide the revenue necessary to cover 35 meetings. While $10,000 of the certificate fee revenue was budgeted for the Advisory Committee, this would provide for only 25 meetings – rather than 35 meetings – per member. The 25 meetings per member were divided roughly through the year into the following: 12 monthly examination meetings; 8 weekend monitoring assignments during summer, 4 monitoring assignments during the winter holiday season, and 1 studio visit. The petitioning artists expressed the desire to see Advisory Committee members on the street more often in order to increase their transmittals of violation observations to the Program Director for processing. This, in turn, could increase the Program's enforcement potential.

While the petitioners were requesting a high increase in the application/examination fee imposed on applicants, Mr.

Lazar had forwarded an e-mail to the Commissioners from Street Artists Bill and Bob Clark, who were not present, who objected to the increase for several reasons. One of their reasons was their contention that the application/examination fee was to be used for no other purpose, not even paying the Advisory Committee members to do street monitoring. Mr. Lazar stated that he wished to question the City Attorney about that interpretation.

Commissioner Lloyd called for public comment.

Street Artist Tad Sky stated that the Advisory Committee members come out on the street for approximately three months out of the year. While they are seen during July and August, they probably will not be seen again until Christmas. So "for nine months of the year the new artists can do basically what they want" while the ongoing certificate-holders "end up being policemen. ... If we see something" that does not appear to handcrafted by the new artist, "we have to get hold of Howard. But if the Advisory Committee is out, we can tell them to go check on" the alleged offender. Otherwise, having to confront newcomers makes for an ongoing adversarial situation among the artists. A new application/examination fee of $100 would cover the Advisory Committee for monitoring duty throughout the year.

Mr. Sky went on to say that "$100 nowadays is very little, because a crafts fair is $300 to $500 for a weekend."

Street Artist Michael Addario, reading from a prepared text, stated that this would represent a 500 per cent increase to be borne by new artists. "It's like a teeter-tot: we have to have new artists come in, they have to replenish the people that leave; we have to have 390 artists in the Program or else we won't make the $207,000 that these two people cost us. Eighty-five per cent goes to salaries."

Mr. Addario, reading on, also stated that "a Venice Beach Boardwalk permit is $25 and $10 every year after that.... It shows how enormously out of line our fees are here compared to other city programs" for "what is essentially covered by the First Amendment right of free expression." He added that Advisory Committee members have found a number of artists seriously violating rules "and Mr. Lazar refuses to prosecute them. There are no assurances that the money gained would be used to obtain the objective" requested by the petitioners. "This fee, without major restructuring of the Program office, would only compound the present situation."

Street Artist Kathleen Hallinan stated that "we need to have" the Advisory Committee members "out there looking at people's tables" and that she did not want to have confrontations with other artists. With regard to Mr. Addario's statement about Venice Beach, Ms. Hallinan countered that "Venice Beach does not allow craftspeople. It's free speech ... and it's run by the police, so it's a whole different kettle of fish. I feel that that's not comparable."

In response to a question by Commissioner Lloyd, Mr. Lazar clarified that revenue from the application/examination fee goes into the street artists fund along with the certificate fees, and the Program's budget indicates how much of the money is allotted as compensation for the Advisory Committee.

Commissioner Calegari stated that it was clear that monitoring duty was important.

Street Artist Maria Hillius stated that craft fairs like the Union Street Fair and the Fillmore Street Fair charge $700 - $800 per artist for a weekend show; therefore, a charge of $100 for a new person entering the year-round Street Artists Program "is nothing."

Commissioner Lloyd closed public comment.

Program Director Lazar called al $17,500 necessary to support 35 meetings?

Commissioner Lloyd tabled the item to allow for clarification to be received from the City Attorney.

Commissioner Lloyd, acknowledging that the Committee would soon be losing a quorum, requested that the first item for the next meeting's agenda be an item on today's agenda, the hearing and possible motion to approve two recommendations of the street artists' Lottery Committee.

5. Public Comment

StreetArtist Kathy Hallinan stated that the two recommendations from her Lottery Committee were initially discussed by the Lottery Committee members last October. The reason the recommendations were crucial was because there was a need to solidify the Program's lottery rules. She was looking forward to the Program Director's upcoming revision of his 1998 Program "bluebook" of rules, as that, she said, would form the basis for her committee's discussions and proposals for further rules. The Lottery Committee, she said, was "the backbone of the Street Artists Program."

Ms. Hallinan further stated that a "credibility issue" was surfacing in the Program, regarding certain street artists who are selling fake turquoise and coral – much of it made in ceramic – in their items and then telling their customers that it is turquoise and underselling those artists who are selling real turquoise.

Street Artist Michael Addario, reading from a prepared text, stated a list of reasons to support his view of the Program staff as being "inefficient" and "incompetent." He said that Commissioner Johnston in "September, 2006 has asked repeatedly for Mr. Lazar to show us where we can set up" in United Nations Plaza. "Now it's learned," he said, "that the

City is going to take over those spaces, and there are reports that Mr. Lazar is in discussions with City agencies to transfer those spaces to other locations without informing us." He went on to cite "the membership attrition list ... we've been asking for a membership list that is accurate and monthly; we still have not gotten it. ... In addition to these inaccuracies, we found in the actual issuing of the licensing recently one member was discovered by the Lottery Committee member to be licensed after September, 2009. You can't do that. It could only be August, 2009. ... We checked the license and it indeed was an issuing error; it should have been September, 2008. We brought this to the office's attention; Mr. Lazar stated that the member should come to the office and get a new one. Now this action on the part of Mr. Lazar ... shows a general apathetic concern for the allegation. ... He should have ... issued a new license and asked the member to immediately relinquish the license." There were, he said, "numerous documented errors on the part of the Program office" which "shows how inefficient and incompetent they are out there ..."

At this point, Commissioner Lloyd requested Mr. Addario to not make personal attacks on people.

Mr. Addario said it was "not personal" but "personnel." Reading on, he complained that "a promise has been made in February that" the revised Program book of rules would be posted on the Web; but "it has not; it causes a lot of problems for the members. This has to be held accountable."

Street Artist Edward Steneck took issue with Kathleen Hallinan's calling certain pieces "ceramic"; he said that they were not ceramic.

Street Artist Kathleen Hallinan showed the Commissioners samples of her leathercraft items.

There being neither further new business nor public comment, Commissioner Lloyd adjourned the meeting at 5:05 p.m.

Respectfully submitted:

Howard Lazar
Street Artists Program Director

September 4, 2008

Meeting Information

STREET ARTISTS COMMITTEE
Wednesday, September 10, 2008
3:00 p.m.
25 Van Ness Avenue, Suite 70

Agenda

1. **Hearing and possible motion to approve the following recommendations of street artist Lottery Committee:**

   (a) Requirement for each Lottery Committee member to conduct at least seven (7) of his/her scheduled lotteries in a three-month period.

   (b) Provision for Lottery Committee members to be designated helpers.

   (recommendations from 5/29/08 Lottery Committee meeting)

2. **Street Artists Program Director's Report.**

3. **Hearing and possible motion to approve issuance or renewal of certificate.**

   Felicia Renaud - Certificate #7762 expired June 11, 2008. Alleged violation: Selling without a valid (current) certificate on June 21, 28, 29 and August 8, 2008.

4. **New business.**

5. **Adjournment.**

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Public comment in regard to specific items will be taken before or during consideration of the item.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

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Meeting Information

STREET ARTISTS COMMITTEE

Wednesday, September 10, 2008
3:00 p.m.
25 Van Ness Avenue, Suite 70

MINUTES

Members present: Commissioners Alexander Lloyd, Chair, Ninive Calegari, Topher Delaney

Members absent: Sherene Melania, Pop Zhao

Staff present: Street Artists Program Director Howard Lazar

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Commissioner Lloyd, Chair, called the meeting to order at 3:02 p.m. and welcomed Commissioner Delaney to the Committee.

1. **Hearing and possible motion to approve the following recommendations of street artist Lottery Committee:**

   1. **Requirement for each Lottery Committee member to conduct at least seven (7) of his/her scheduled lotteries in a three-month period.**

   Lottery Committee Chair Kathleen Hallinan explained that, in the course of a three-month period, each Lottery member averages fifteen days to run the lotteries for space assignment. She explained the duties involved. A Lottery Committee member, for his/her work in running a lottery, is allowed to be the first person to choose a space. Problems were arising with some members running only two of their lotteries and giving away their lotteries to favored members while excluding other members. The Lottery Committee held meetings on the issue; some members favored a proposed requirement that a member run a minimum of ten lotteries, other members favored five lotteries, and a compromise was reached to propose seven lotteries. The Lottery Committee had also started implementing a system of allowing members on a rotation basis to run "giveaway" lotteries, and, to keep track of the rotation, the members were signing a daily logbook for the lotteries they were running.

   Commissioner Lloyd suggested that, to do away with favoritism, consideration might be given to having alternate members chosen to run lotteries that Committee members are unable to run. The Commissioner called for public comment.

   Lottery Committee Member Brian Hopper submitted the current schedule (June 1 through August 31, 2008) of lotteries assigned to Lottery Committee members. He explained that the lotteries were assigned to the members in keeping with the order in which the members' names were drawn by lot. Mr. Hopper also stated that he could not understand why anyone would want to be on the Lottery Committee and not be able to run a minimum number of lotteries.

   Lottery Committee Member Jimmy Sha stated that, while the summer season typically attracts a full complement of volunteer members willing to do the work, the winter season – after the holidays – typically sees a dramatic drop off of members from the Lottery Committee. The proposed rotation system would not be worthwhile for the winter season. He also favored a requirement for a minimum of only five lotteries to be run by a member.

   Commissioner Calegari stated that she favored a minimum of ten lotteries because she felt it was a privilege to serve on the Lottery Committee.

   Street Artist Edward Steneck stated that he favored a rotation system among Lottery Committee members for the running of lotteries relinquished by their assigned members.

   Commissioner Lloyd closed public comment.

   Commissioner Calegari asked to hear the Program Director's recommendation.

   Program Director Lazar stated that he had participated in several meetings of the Lottery Committee on the issue, and that, while the Lottery Committee had compromised with a recommendation of a requirement for a minimum of seven lotteries, he, after hearing the current comments, recommended a minimum of ten lotteries. A person who commits to serving on the Lottery Committee and then fails to fulfill their responsibilities has, in effect, prevented another artist from serving who might have fulfilled all their lottery assignments. Mr. Lazar further recommended that the Commissioners, in their approval of a requirement, consider enacting a trial period of six months which would provide a significant selling season (the winter holiday season) for its implementation, whereupon the issue could be re-examined next springtime.

   Commissioner Calegari moved that it he required that each Lottery Committee member (1) conduct a minimum of ten (10) scheduled lotteries during a three-month period, (2) that, in the event of a member's inability to run his/her lottery, the next listed Lottery Committee member in rotating order conducts the lottery, (3) that under no circumstances shall their selection be by personal choice, and (4) a lottery attendance record shall be kept with the lottery supplies and shall be entered into by each member running the lottery, including next-listed members in rotation order and helpers; the motion was seconded by Commissioner Lloyd and unanimously approved.

2. **Provision for Lottery Committee members to be designated helpers.**

Lottery Committee Member Jimmy Sha explained that, under the present rules, Lottery Committee members were prohibited from serving as helpers in running the lotteries. He explained the duties of a helper. For his/her work, a helper is allowed to be the second, third or fourth street artist to choose a space. It is possible for a designated helper to also be the helper on the following day if no one else is present to be a helper. Mr. Sha wanted to see a provision adopted to allow a Lottery Committee member to be a helper in any lottery for which he/she is not scheduled to conduct.

Commissioner Lloyd called for public comment.

Lottery Committee Member Brian Hopper, stating that he has participated on the Lottery Committee for the past ten years, expressed his opposition to the proposed provision on the grounds that, if he were not a member, he would be competing for a space with both the Lottery Committee member running the lottery as well as the helpers; and, from this perspective, it did not seem fair for a member to be allowed an additional opportunity (as a helper) to obtain a space before non-members are allowed to do so. A member already is given fifteen opportunities (fifteen lotteries) to be the first person to choose a space; why should he/she be given additional opportunities?

Street Artist David Campos submitted a petition signed by sixty street artists in opposition to the proposed provision. He said that, while he has traditionally been in favor of Program amendments that would benefit all the street artists, he was not in favor of any change that would, as in the present case, benefit only a few artists: the nine Lottery Committee members.

Mr. Campos thanked Lottery Committee Chair Kathleen Hallinan for all her work on the Committee.

Commissioner Lloyd closed public comment.

The Commissioners stated their disinclination to support the proposed provision.

No motion was forthcoming.

2. **Street Artists Program Director's Report.**

Program Director Lazar reported that he had completed the **revision of his 1998 book entitled *Street Artists Program*,** a 280-page handbook or "bluebook" describing the Program's laws, rules, and procedures on screening and licensing, lottery space-assignment, and hearings on street artist violations. The book also includes up-to-date maps of the street artist locations and reprints of the ordinances and resolutions governing the Program.

The Program Director expressed his thanks to **Street Artists Joanne Fitzsimmons and Jeff Potter** who spoke at the full Arts Commission meeting of September 8th and expressed their appreciation to the Commissioners – and the voters of San Francisco - for the opportunity of being able to earn a viable income in the Street Artists Program.

Commissioner Delaney, who had been present at the full Commission meeting, addressed a statement made by Ms. Fitzsimmons that people viewing Justin Herman Plaza thought it was a "flea market"; the Commissioner questioned whether there was a way to assist the street artists in developing a banner or other means that would clearly state the artists' identity. The Commissioner suggested that one means might be a competition for such message design.

Program Director Lazar reported on his communication with the Mayor's Office of Small Business which had expressed interest in fostering a "Shop Local" campaign and event to promote the contributions of the city's small business sector, to encourage the public to shop local, and to support innovative, independent entrepreneurs who offer unique "Made in the Bay" products and services. Mr. Lazar informed the Mayor's office that the thirty-six-year-old Street Artists Program not only fit all of these qualifications but it contributed $4 million annually to the city's economy. The Mayor's staff said that further communication would be forthcoming.

The Program Director further reported on his meeting with National Park Service personnel and construction personnel over the upcoming demolition of the Aquatic Park bleachers, the NPS's re-routing of pedestrians and bicyclists during the bleachers' demolition and rebuilding, and the resultant impact on street artist spaces "B-44" through "B-45" (the western end of the artists' spaces on Beach Street). In the interest of public safety, Mr. Lazar and the NPS personnel agreed that the line of spaces "B-44" through "B-54" would be moved westward at a distance equivalent to two artists' spaces plus the five-foot distance in between (a total of thirteen feet westward). The Program Director's authority, Mr. Lazar stated, to relocate spaces on any given block, without Board of Supervisors approval, was affirmed many years previously by the City Attorney.

3. **Hearing and possible motion to approve issuance or renewal of certificate.**

Felicia Renaud – Certificate #7762 expired June 11, 2008. Alleged violation: Selling without a valid (current) certificate on June 21, 28, 29 and August 8, 2008.

Program Director Lazar stated that, based on a complaint he received on August 27th, alleging that Ms. Renaud obtained space at Justin Herman Plaza on four occasions and sold her wares while her certificate had been expired.

In response to a question by Commissioner Lloyd, Mr. Lazar stated that Ms. Renaud was able to obtain her space on those four occasions because evidently the artists running the unofficial lottery at the Plaza failed to check for valid certificates.

The Program Director went on to state that he himself had observed Ms. Renaud selling at the Plaza on one of the four occasions, August 8th, and she had told him that she had sent in her renewal fee but had been in the midst of a move of residence and was not sure if she had received her renewed certificate. Mr. Lazar later discovered that his office had never received the alleged renewal fee and therefore had not renewed her certificate. On the basis of his having observed her selling, and on the basis of the complaint later received by the office, he withheld issuance of a certificate for Ms. Renaud pending the outcome of today's hearing with the Street Artists Committee as to whether issuance should be approved or denied.

Street Artist Tad Sky stated that, on August 8th, he asked Ms. Renaud if she had her certificate with her; she replied "no" but that she would show it to him at a later date, as she was going away for awhile. She told him that her certificate was not due to expire for a couple of weeks. She entered the lottery and received her space. The following week Mr. Sky called the Program office, discovered that the certificate number which Ms. Renaud had given him was fraudulent, as it had belonged to an artist who was no longer in the Program, and that her actual certificate had expired on June 11th. By August, he said, a number of the artists had realized that she had sold often during the summer without anyone calling in to the office. Mr. Sky checked his own records and found that he himself had sold next to Ms. Renaud on June 28th (she was in space "26" and he was in "24"); he also saw her selling the following day (June 29th) and, before that, on June 21st.

In response to a question by Program Director Lazar, Mr. Sky stated that he had not seen Ms. Renaud selling since the incident of August 8th.

Street Artist Felicia Renaud stated that she was not aware of having an expired certificate until she saw Program Director Lazar on August 8th asked to see her certificate. She said she had forgotten the card that day, and that Mr. Lazar told her to look for her card at home. She felt sure that she had paid for its renewal, although she could not remember having received the renewed card. She had moved and thought that the renewed card may have been sent to her old address. However, upon examining her bank statement, her check for the renewal was not posted. She then thought that the check may have been lost in the mail or lost in the Program office. She showed the Commissioners a check stub for the payment which she said she had mailed.

In response to questions by Commissioner Lloyd, Ms. Renaud affirmed that she had never been previously cited for failing to renew her certificate, and that, as soon as she saw that she had not been renewed, she stopped selling.

Commissioner Lloyd called for public comment.

Street Artist Michael Addario, reading from a prepared text, gave a lengthy critique of the street artist membership list and alleged licensing mistakes made by the Program staff.

Commissioner Lloyd stopped Mr. Addario by affirming that the Committee's business at hand was in determining whether Ms. Renaud had violated the law. Mr. Addario interrupted the Commissioner by continuing on with his criticism of the staff, whereupon the Commissioner asked whether he had anything to present relevant to Ms. Renaud's case. Mr. Addario avoided the question and demanded that he be given three minutes for public comment. The Commissioner responded that the nature of Mr. Addario's public comment should be brought up, more appropriately, under new business, but Mr. Addario continued speaking over the Commissioner's words.

Commissioner Lloyd asked the attendees if there were to be any further public comment germane to the case. None was forthcoming.

Commissioner Lloyd closed the hearing to public comment. He stated that Ms. Renaud had been clearly in violation, but, because this was the first time in which she had been found selling without a valid certificate, that there was evidence that she attempted to renew and that there was a reasonable possibility that her renewal check may have been lost in the mail, he was inclined to allow her to renew her certificate and continue to earn her livelihood. However, he stated, if she were to be found selling again without a valid certificate, the consequences for her could be severe.

Commissioner Calegari stated that testimony had been given that Ms. Renaud had stated the wrong certificate number when asked by another artist, and that she should have remembered it since it represented her livelihood. However, she said, street artist Tad Sky had confirmed that, after August 8th he never observed her selling again.

Commissioner Lloyd moved that Felicia Renaud be found in violation for selling without a valid certificate, and that her certificate be re-issued as soon as possible; the motion was seconded by Commissioner Calegari and unanimously approved.

In response to a question by Commissioner Lloyd, Program Director Lazar discussed his office's publication of the street artist membership list. Amidst attempted interruptions by street artist Michael Addario, Mr. Lazar discussed the history of the voters' permission of the street artists to sell on the public sidewalks and, in return for this privilege, the artists' responsibility under 1983's Proposition "K" and previous ordinances to entirely pay for the governmental costs in fulfilling the mandate of the voters.

4. New business/Public comment.

Commissioner Lloyd called on Street Artist Michael Addario and stated
that he would allow him three minutes so long as he avoided making "disparaging remarks."

Reading from a prepared text, Mr. Addario discussed his investigation of identification cards produced by AlphaCard Systems of Corte Madera, California, the costs of the cards, their input of data, and their possible replacement of the certificate cards currently being produced by the Street Artists Program. The system would automatically update the artists' membership list, prevent duplicate certificate numbers, and incorrect licensing dates. He and other artists, he said, would assist in the design of the new street artist certificate card and the initial data collection process. He submitted a packet of information as well as a sample design he said he made of a new card.

Commissioner Lloyd stated that Mr. Addario's proposal would be placed on the agenda and considered under new business along with possible proposals of other vendors of identification cards.

Program Director Lazar clarified that the Committee's next meeting would be in November which would include a hearing on the Program's budget for the following year. It would be an appropriate time to consider Mr. Addario's proposal and other such proposals.

Program Associate Evelyn Russell stated that, during the previous year, she researched the identification card systems of various vendors.

Commissioner Lloyd responded that Ms. Russell's research could be placed on the agenda.

Street Artist Edward Steneck proposed that street artists who have been found selling with expired certificates pay the Program for the time during which their certificate had expired.

Mr. Bob Bornstein, who identified himself as a member of the public, suggested that the Program office issue a monthly list of the artists whose certificates expire, rather than a monthly list of all of the artists in the Program, that list would be easier to check. Mr. Bornstein also called for banner identification of the artists at various entrances to Justin Herman Plaza.

Street Artist and Member of the Lottery Committee Brian Hopper stated that he was used to receiving a monthly attrition list.

Program Director Lazar stated that the Program had produced attrition lists for years, and that this was far more manageable and a better use of staff time than having to produce monthly membership lists.

Commissioner Lloyd stated that an upcoming agenda item could be a hearing on proposals to improve the attrition and/or membership lists.

Street Artist Tad Sky stated that because the Advisory Committee members are, because of the budget limitation on their activities, are not on monitoring duty as often as during the summer; as a result, various certificate-holders are displaying and selling items not of their own creation.

Street Artist Madeline Marrow suggested that the Arts Commission pursue a grant to pay for the identification card system proposed by Michael Addario.

There being neither further new business nor public comment,
Commissioner Lloyd adjourned the meeting at 4:30 p.m.

Respectfully submitted:

Howard Lazar
Street Artists Program Director

September 23, 2008

Meeting Information

STREET ARTISTS COMMITTEE
Wednesday, November 12, 2008
3:00 p.m.
25 Van Ness Avenue, Suite 70

Agenda

1. ***Action.*** **Discussion and possible motion to:**

   (a) approve Street Artists Program budget for Fiscal Year 2009-10 and corresponding proposed Street Artist certificate fee increase for Fiscal year 2009-10 as well as automatic annual adjustment of the certificate fee beginning in Fiscal Year 2010-11 to reflect changes in the relevant Consumer Price Index (CPI), as determined by the Controller, and without further action by the Board of Supervisors. As required by Proposition K of November 8, 1983, any certificate fee increases would be limited to those necessary in order to finance the costs of the Arts Commission in administering and enforcing the provisions of the Street Artists Ordinance; and

   (b) authorizing the Street Artists Program Director to ask the City Attorney's Office to draft a corresponding fee ordinance for submission to the Board of Supervisors for approval.

2. ***Discussion.*** **Report by Street Artists Program Director regarding the budget, the proposed fee increases, and the differences between the application fee and the certificate fee; and other matters of the Program.**

   [Explanatory documents: Proposed Budget for FY 2009-10 and Fee Increase]

3. ***Action.*** **Discussion and possible motion to approve for inclusion in Street Artists Program budget for Fiscal Year 2009-10 the cost and related costs of electronic identification card systems for street artist certification.**

   (a) Presentation of proposal by Street Artist Michael Addario.

   (b) Presentation of proposal by Street Artists Program Assistant Evelyn Russell.

4. **New business.**

5. **Adjournment.**

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Notices

Explanatory documents are available for public inspection and copying at the Arts Commission office, 25 Van Ness Ave, Suite 240, San Francisco CA 94102 during regular business hours. Tel: INFO: (Howard Lazar 415-252-2583).

Public comment in regard to specific items will be taken before or during consideration of the item.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

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Meeting Information

STREET ARTISTS COMMITTEE

Wednesday, November 12, 2008
3:00 p.m.
25 Van Ness Avenue, Suite 70

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MINUTES

Members present: Commissioners Alexander Lloyd, Chair, John Calloway, Topher Delaney, Lorraine Garcia-Nakata, Sherene Melania

Members absent: None

Staff present: Director of Cultural Affairs Luis Cancel, Chief Accountant Kan Htun, Street Artists Program Director Howard Lazar, Program Assistant Evelyn Russell

Commissioner Lloyd, Chair, called the meeting to order at 3:05 p.m. and welcomed Commissioners Calloway and Garcia-Nakata to the Committee.

1. **Report by Street Artists Program Director regarding the budget, the proposed fee increases, and the differences between the application fee and the certificate fee; and other matters of the Program.**

Program Director hearings on alleged violations. Street Artists Program Director Howard Lazar reported that, as hearing officer, he conducted in the current month four hearings on alleged street artist violations. One case was about an artist's alleged improper conduct of business; the other three cases were about artists selling items not in accord with the Arts Commission's arts and crafts criteria.

Winter Holiday spaces. For the twenty-seventh consecutive year, the Program Director obtained additional selling spaces to be used by the artists during the winter holiday season. For this year, the Program Director had obtained from the Board of Supervisors a resolution designating the winter holiday spaces in perpetuity: for this year and ensuing years, some 60 winter holiday spaces in the Downtown area and 7 spaces at Harvey Milk Plaza will be available to the artists. The spaces will be available beginning on November 15th and ending on January 15th.

Street Artist Achievements. Mr. Lazar reported on the professional achievements of three street artists. Phyllis Williams, who sells at Justin Herman Plaza, received Best of Show at the Crucible's Student Fall Open House for her fused glass "Cloud" platter. Linda Pedersen, an artist in the Street Artists Program for thirty years, saw her print entitled "Red Beets" reproduced on the cover of a flyer for the Berkeley Farmers' Markets' 17th Annual Crafts Fair. And Elden Deza sold a painting to the American Society of Hypertension, Inc, a company dedicated to improving the medical care of hypertensive patients; the ASH chose Mr. Deza's painting of a San Francisco cable car scene to represent the city in which the company's convention will take place in 2009, and his painting will appear in the company's brochures and other publications.

The Commissioners, examining the artists' works, conveyed their congratulations to the artists.

Artists' proposed increase in application fee. At the previous meeting, the Commissioners received a petition from 54 street artists requesting that the application fee (for a certificate) be increased from the current $20 fee to a proposed $100 fee. The application fee covers the costs of processing applications and examinations of the wares for which applicants seek certification. The petitioning artists requested the application fee increase in order to cover the costs of more Advisory Committee monitoring of the artists' wares on the streets. Program Director Lazar clarified that, by ordinance, each member of the Advisory Committee is allotted compensation of $100 per screening/studio visit/street monitoring assignments not to exceed a total of $5 of the same. Because of the current year's budget constraints, the Program Director limited the compensation per member to a total of 20 meetings/assignments – 12 monthly screenings of applicants, 4 monitoring assignments during summer, and 4 assignments during the winter holiday season.

While the petitioning artists wanted to see the Advisory Committee on the streets year-round, the Commissioners at the previous meeting requested the Program Director to consult with the City Attorney as to whether it would be legal to increase the application fee to support such increased duty. Mr. Lazar reported that the City Attorney responded that it would not be appropriate because the application fee was meant to cover the initial costs of application processing and initial examination of wares. Instead of increasing the application fee, an increase in enforcement/street monitoring costs could be incorporated into the *certificate* fee.

Having received this clarification, Mr. Lazar chose to submit to the Commissioners a budget for FY 2009-10 to reflect compensation for the current allotment of 20 screenings/monitoring assignments per member of the Advisory Committee.

2. **Discussion and possible motion to:**

(a) approve Street Artists Program budget for Fiscal Year 2009-10 and corresponding proposed Street Artist certificate fee increase for Fiscal Year 2009-10 as well as automatic annual adjustment of the certificate fee beginning in Fiscal Year 2010-11 to reflect changes in the relevant Consumer Price Index (CPI), as determined by the Controller, and without further action by the Board of Supervisors. As required by Proposition K of November 8, 1983, any certificate fee increases would be limited to those necessary in order to finance the costs of the Arts Commission in administering and enforcing the provisions of the Street Artists Ordinance; and

(b) authorize the Street Artists Program Director to ask the City Attorney's Office to draft a corresponding fee ordinance for

submission to the Board of Supervisors for approval.

By way of review, Program Director Howard Lazar stated the following observations of the Street Artists Program: (1) Since 1972, the Program has provided a means for artists to make a living for themselves and their families by selling arts and crafts of their own creation in locations approved by the Board of Supervisors; (2) Street artist earnings contribute $4,000,000 annually to San Francisco's economy (based on a conservative estimate of 200 of the Program's 400 artists each earning $20,000 a year); (3) Since 1972, the Program has licensed nearly 8,000 artists; (4) The Program has always been self-supported by its license fees, never taking a penny from the City's general fund; (5) The intent for the Program to be self-supporting was emphasized by the voters in 1983 who mandated that the street artist fee be equal to, but not greater than, the costs of the Arts Commission in managing and enforcing the Street Artist Ordinance.

Mr. Lazar described how his proposed budget for Fiscal Year 2009-10 reflects an estimated 4% increase in staff salaries/benefits. The budget includes the same expenditures as those of the current year for materials and supplies, storage rent for the artists' space-assignment lottery supplies, the Program's off-site records storage, telephone, etc.; and the same expenditure (as for the current year) of compensation for the Advisory Committee of Street Artists and Craftsmen Examiners to cover 20 – not 35 – screening-meetings/studio visits/street monitoring assignments. What has been added to the budget is the Program's share ($38,531) of the Arts Commission's administrative overhead costs (office rent, accounting services, IT maintenance, DTIS network services, etc.). All of the Commission's programs have been requested to cover their share of the Commission's administrative overhead costs.

Director of Cultural Affairs Luis Cancel stated that, shortly after his hiring, he requested the Commission's Chief Accountant Kan Htun to commence an analysis of the costs of conducting business by the Commission and to allocate those expenses to each of the Programs based on their fair share of activity. This would be to cover administrative expenses not funded by the City. Mr. Htun, he said, undertook a careful analysis.

In response to a question by Commissioner Lloyd regarding the Street Artists Program's share of the administrative expenses, Chief Accountant Kan Htun explained how the figure was calculated. In the past, he stated, the Commission's administration subsidized or shouldered the burden of administrative costs of all of its Programs. In return (in the past) the administration charged the Street Artists Program – one of the Programs charged – just $8,000. Last year, however, the administration began analyzing each item of program cost relative to the administration. For example, each Program is now being billed for its share of usage of the postage meter; the Street Artists Program's share is $500. Another cost is rent, for which the Programs until now have not been charged; "admin" paid all its Programs' shares out of its annual budget.

Mr. Htun went on to describe how, for the past five years, the City's budget situation has become very restrictive – along with the state and federal budgets. With San Francisco's budget cuts, the Arts Commission's administrative portion receives City funding for only salaries and benefits of its four-person administrative staff; the rest of the Commission's administrative expenses have been cut by the Mayor's budget office. Therefore, to recover these expenses, there is no other way but to charge the Programs who are using the administration's services. If unable to do so, the services would have to be shut down.

Mr. Htun discussed the Commission's rent cost for its Suites 200 and 240. Each Program is being charged according to the measurements of the space it occupies. Out of the 3,065 square feet of Suite 200, the two-person staff of the Street Artists Program occupies 224 square feet; the Program's share of the rent cost is $5,053.

Another administrative cost, Mr. Htun stated, is accounting. Every organization requires accounting staff to process receipts, payments, and payroll. He calculated the cost according to the time and number of documents the administrative accounting staff spends on each Program. Because 9% of this time is spent on the Street Artists Program's documents, the Program's cost to be recovered is $24,246 of the accounting's budget of $275,000.

In response to a question by Commissioner Garcia-Nakata, Director of Cultural Affairs Cancel described how, in prior years, the City provided greater administrative support to the Arts Commission's administration. As this lessened, the administration chose to charge its programs flat amounts per year – as, for example, $8,000 charged to the Street Artists Program. Therefore, in the past years of covering this figure, the Street Artists Program was not pressured to meet its ordinance's mandate to pay its just share (in the Commission's costs of administering and enforcing the Street Artists Ordinance). With the recent serious general fund reductions, however, the Commission's flexibility in subsidizing its Programs has vanished. Realizing that there is not enough money to run the Commission properly, Mr. Cancel instituted a very rigorous cost accounting. As a result of charging the Programs their fair share of the costs, he said, the goal of operating the Commission properly is being met.

Commissioner Lloyd stated that it was a big step for the Street Artists Program to climb from $8,000 to $38,000, and asked whether the Commission, in the past, was subsidizing the Program by $30,000.

Mr. Cancel responded with an example of the Department of Human Resources charging the Arts Commission for the services of a staff person.

Commissioner Delaney noted that Human Resources was charging the Arts Commission $60,000; she questioned this flat cost in the face of the department's attempt to save money.

Mr. Cancel clarified that the Arts Commission was obliged to use the services for conversations between employees and the City; the Human Resources staff person is the liaison between workers and management.

Commissioner Garcia-Nakata asked whether there was any room for negotiation over the figure.

Mr. Cancel stated that the figure was submitted by the budget analyst based on formulae for calculating costs to the various departments based on the number of employees, etc. He went on to say that, for the upcoming year, for the first time, the City Attorney will be charging the Arts Commission for legal services. The City Attorney has allocated a finite amount of hours of availability to the Arts Commission. If the Commission exceeds the limit, the City Attorney will charge the Commission. One of the Programs, he said, which continues to eat into the Commission's allocated City Attorney hours is the Street Artists Program. He noted that, while the City Attorney overtime expense is not reflected in the Program's budget, it may be an expense to be faced by the Program if it continues to use up City Attorney time.

Commissioner Delaney stated that, coming from the private sector, one of the things she analyzes is the costs of comparative services – for example, the cost of an accountant. Some of the figures, she said, relative to the Street Artists Program appeared to be low figures. But some of the "big-budget items" appeared to be impenetrable, that they did not reveal the hourly rate of an attorney. An hourly rate would help the administration in its budgeting for City Attorney time.

Mr. Cancel responded that the Arts Commission has already challenged the City Attorney over the amount of hours being allocated to the agency. The Commission has been allocated only 325 hours for the year; but, having finished the first quarter, the Commission has consumed almost 40% of the allocation. He felt that the method used by the City Attorney in calculating hours for the Arts Commission should be re-examined.

Commissioner Lloyd asked Mr. Cancel if there was any flexibility relative to the $38,000 of administrative costs being charged to the Street Artists Program. Mr. Cancel responded that the figure represented a very thorough analysis of the administration's current and anticipated expenses and its share allocated to the street Artists Program. However, the figure does not include possible City Attorney costs because the Commission was still debating with the City Attorney on the appropriate level of legal services to be provided.

Commissioner Delaney noted that the cost of rent was nominal at $420 a month for 224 square feet. By seeing a breakdown of the cost, she said, this was one example of being able to assess whether or not a cost is excessive.

Commissioner Lloyd noted that, while the Street Artists Program's cost for accounting seemed high, 91% of the total figure is shared by the other

Programs.

Commissioner Delaney asked for the accounting's cost per hour. Mr. Cancel responded that the Commission has an essential accounting staff whose cost is prorated according to the accounting staff's usage by each of the Programs.

Mr. Cancel went on to emphasize that the Street Artists Program is mandated to pay its own way.

Commissioner Garcia-Nakata noted that the $38,000 of administrative costs proposed for the Street Artists Program appeared to be conservative in light of possible further costs, as a City Attorney cost.

Commissioner Lloyd asked Program Director Lazar to continue with his presentation.

Mr. Lazar stated that the same formula, as for the current year's budget, was applied to next year's budget to arrive at the proposed street artist fee: the budget total divided by the average number of street artists. The proposed budget of $235,587 divided by 390 street artists yields an annual fee increase of $71.80, or a quarterly fee increase of $17.95, or a daily increase of 20 cents – representing an overall 13% increase over the current year's fee.

Mr. Lazar went on to state that the proposed 13% fee increase is not unusual for the Street Artists Program. The fee of $160 established for 1985 was 100% more than the previous fee of $80 for the years 1974-84. The fee of $350 which lasted for 12 years from 1991-2003 was 34% higher than the previous fee of $230 which lasted for 5 years from 1986-91; and the $230 fee was 30% higher than the previous 1985 fee of $160.

Commissioner Garcia-Nakata stated that consideration should be given to whether the Program would be jeopardized if the necessary fee is not enacted, in view of the ordinance stating that the Commission should meet its expenses in managing and enforcing the ordinance. She questioned whether a deficit could be tolerated.

Director of Cultural Affairs Cancel responded that, by ordinance, a deficit cannot be permitted. If a deficit did occur, the fee would have to be raised the following year to cover the deficit as well as meet the current expenses.

Commissioners Garcia-Nakata and Melania questioned whether a deficit would jeopardize the existence of the Program. It was the Program – the artists' livelihood - which should be protected. The costs of certain Commission administrative expenses could possibly be re-examined, but if no action were to be taken to enact a fee to cover the Program's expenses, the Program could be jeopardized.

Commissioner Delaney asked whether consideration had ever been given to privatize the Program. She stated that, as a businessperson, she felt uncomfortable hearing about flat costs which did not appear to allow room for negotiation. She questioned whether the artists would not be better served under privatization.

Mr. Cancel responded with the question "What is being licensed?" and answered it with the statement: "What is being licensed is public space. It is the *public*'s space." In serving the public, the government, he maintained, is entrusted with the responsibility to set the parameters under which public space may be used. Furthermore, criteria were built into the Street Artists Program whereby people who are knowledgeable about the arts screen and certify the products of individuals on behalf of the public's interest in the use of its space. Therefore, he said, it is appropriate for the Street Artists Ordinance to exist and for a public agency to administer it.

Program Director Lazar stated that any move to privatize the Program would require the repeal by the voters of two ordinances they passed in 1975 and 1983, respectively.

Commissioner Lloyd stated that he did not feel that most people would support privatization of the Program.

Commissioner Garcia-Nakata stated that the artists want to sell in spaces that are on property belonging to the public.

Commissioner Lloyd stated that the Program was created by people who wanted to see public areas used by street artists, and the way they could make it happen was by having an ordinance passed. The citizens of San Francisco voted on the measure, and any amendment of it would require a vote of the people.

Commissioner Melania stated that consideration could be given to developing a funding body such as a "Friends of the Street Artists Program" whereby interested private donors could help build up the Program's reserve. She added that one of the reasons for the current budget/fee increase situation is because the Program no longer has a reserve of fees.

Mr. Cancel stated that a "Friends of the Street Artists Program" could be created by street artists themselves creating an IRS 501(c)(3) organization to request donations which would be a way to help ameliorate the Program's costs.

Commissioner Delaney responded that she liked the idea because she assessed that "need" was present at the meeting.

Commissioner Garcia-Nakata highlighted what she called the reality of starting and maintaining a nonprofit organization. Having started and worked for non-profits, she found that enthusiasm and steps to raise funds end up being a very difficult project to maintain. Furthermore, it is difficult to raise money from the private sector, maintain a board of directors, and pay for staff salaries – all of which, she said, would total far more than the $38,000 administrative overhead costs incurred by the Street Artists Program.

Commissioner Lloyd stated that, even without setting up a 501(c)(3), anyone at the present time could make a donation to the Street Artists Program's fund.

Mr. Cancel stated that there was currently a mechanism set up for the Arts Commission whereby persons could make a donation dedicated to the Street Artists Program, and this would help to offset the expenses.

Commissioner Delaney stated that it was clear to her that the Program was headed for a deficit because the City Attorney's fees were not included in the budget.

Mr. Cancel responded that it was still early in the budget process to discuss the costs. What his staff and he wanted to do was to alert the artists and the Commissioners of next year's expenses and begin a conversation in order to see what steps could be taken to meet or offset the expenses.

Commissioner Lloyd asked for the Program Director's concluding remarks.

Mr. Lazar concluded his presentation by stating that the Program's fee, in comparison with the fees of other premier daily or weekly outdoor market venues, is still "a bargain." While it is being proposed that the fee be raised from $1.46 a day to $1.66 a day, a San Francisco street artist selling daily would still pay far less than he/she would pay if participating daily in Seattle's Pike Market for $13.33 a day, or in Portland, Oregon, for $6.41 a day, or in Honolulu for $150 - $400 for weekends only.

Furthermore, Mr. Lazar stated that, because their program exists in San Francisco, street artists enjoy a climate unsurpassed by most cities, thereby making for a seven-days-a-week, year-round selling opportunity. In addition, street artists in San Francisco sell in some of the highest retail real estate locations in the world – as attested to in a public meeting by a former Arts Commissioner who heads a retail architectural firm.

The Program Director stated, as per the meeting's agenda, that he was proposing that a new ordinance which would provide for a new certificate fee also contain a provision for an automatic annual adjustment of the fee by the City Controller, based on the Consumer Price Index (CPI). The automatic adjustment would be based on costs of the Program's current expense items and not on any new significant expense (for example, the hiring of an additional position) which would require Board of Supervisors approval.

Finally, Mr. Lazar stated that, if the Commission were to approve either of the proposals to be presented by Street Artist Michael Addario and Program Assistant Evelyn Russell, the costs of an electronic identification card system for street artist licensing would have to be added to the budget which would further increase the certificate fee.

At the request of Commissioner Delaney, Mr. Lazar explained the composition, duties, and compensation of the Advisory Committee of Street Artists and Craftsmen Examiners.

Director of Cultural Affairs Cancel clarified that the budget being presented was for discussion purposes, that there was still several months before the Commission would be formally submitting its entire budget to the budget analyst.

Commissioner Lloyd called for public comment.

Street Artist William Clark stated that he opposed any increase of the certificate fee until the Street Artists Program could be allowed to use all of the unused street artist fees that the City collected and never allocated to the Program. Mr. Clark stated that this amounted to $250,000 of fees plus interest.

Mr. Clark disagreed with Program Director Lazar's current year's total budget figure as well as the number of street artists in the Program. Instead of the current budget being $207,594, it should be $201,594, subtracting $6,000 of application fees from the overall fee revenue, and this figure . being divided by the current annual fee of $532.28 reveals that the actual number of street artists in the Program is 379 artists and not 390. Mr. Lazar, then, should base the proposed fee on 379 artists.

Mr. Clark requested that the proposed budget reflect a full funding of compensation for the Advisory Committee – the maximum number of 35 meetings/street monitoring assignments per member – because law-abiding street artists lose more money due to the Committee's absence from the streets and the continuation of the activities of street artist violators than it would cost for additional street monitoring.

Mr. Clark went on to propose that, instead of each member of the Committee receiving compensation for 35 meetings/assignments, a total of 175 job assignments be given for the total Committee; this would allow a member to perform more than 35 meetings/assignments.

Mr. Clark stated that he did not feel an automatic annual fee increase by the Controller, based on the CPI, was necessary because Proposition K (passed by the voters in 1983) provides that the fee can be raised only if necessary, and it would be impossible for the Arts Commission to know what the fee revenue would be for the next year and ensuing years. Similarly, the Commission would have no idea of ascertaining the number of applicants it would be screening nor the number of former certificate-holders returning to the Program. The Commission should continue its current procedure of reviewing the costs of the following year's budget and ascertaining the necessary fee.

Street Artist Robert Clark stated that he, like his brother William, was one of the people who started the Street Artists Program. He said that he had to drop out of the Program as a result of the current year's fee increase. For thirty-six years, he said, his brother and he have been arguing with the City because they had evidence to prove that the City "embezzled" over $250,000 from the Program, and that the City Attorney "filed false opinions to cover up the fact that there were criminal violations that have occurred."

Mr. Clark went on to say that he and his brother were able to get the City to return over $100,000 to the Program. It was now time, he said, for the Arts Commission to request the Board of Supervisors for a return of the other unallocated fees.

Mr. Clark further stated that the City Attorney's office's request to be paid for its time was a form of intimidation.

Street Artist Michael Addario stated that one of the problems in the Program is that it has not been verified that there are 390 street artists. The artists, he said, have been asking for two years for an accurate list of the number of artists. He also asked for an audit so that it could be understood "where our money is at, where it's going." He added that he wanted to see Chief Accountant Htun's "papers that" he "analyzed."

Mr. Addario went on to say that he perceived the existence of a myth that street artists are unable to receive money from outside sources. The law did not imply that the artists had to pay for all the costs of their Program; money could be received from outside the fees. The budget, he said, looked like "a fiscal shell game" to him, and the fees paid by San Francisco street artists were "way out of line" with those paid by other vendors of Oakland, Berkeley, and Venice Beach. For Venice, he said, the artists pay only $25 a year and $10 to renew because "the City pays for everything."

Mr. Addario stated that, in San Francisco's Street Artists Program's budget, 85% of the fees paid by the artists covers the employees' salaries. He stated figures of guaranteed salaries of the two employees as well as the number of paid sick pay days and paid holidays allotted them. He stated that the two employees also are eligible to receive a pension and receive medical coverage, dental coverage, automatic yearly pay increases. The artists, he said, pay 7% of the employees' social security tax. Mr. Addario then stated that the artists, in return, receive no guaranteed salaries, no sick days, no paid holidays, no pension, no medical coverage, no dental coverage, no paid vacations, and no automatic pay increases. The artists also have to pay 14% social security tax, and they have no seniority and receive no protection from unlicensed vendors. "What we get is a space for us to sell." He said he was totally opposed to the proposal. He added that the only way to fix the Street Artists Program is to go non-profit.

Street Artist Edward Steneck stated that the country was in a recession, the Dow Jones dropped another 411 points today, and people were losing their jobs. Prior to coming to today's (Wednesday) meeting, Mr. Steneck passed by Fisherman's Wharf and saw that in all of Taylor Street, Jefferson Street, and Beach Street there were only eight street artists set up and hardly any passersby. He was opposed to the proposed increase in the Program's expenses which, he said, should be reviewed. "Give us a break," he said.

Street Artist Kathleen Hallinan stated that she has been a licensed street artist since 1974. She said that there were "two realities ... the Arts Commission with its $20 million budget, and then you have the Street Artists Program." She likened the Program to the cable car system whereby, after a number of years, the system was reviewed to make changes to it. She stated that the artists' Program was "crumbling" because it has not been given any attention by the Arts Commission; whereas the Arts Commission, with its $20 million budget, was in a position to be "the Friends of the Street Artists Program" and give a grant to it.

Ms. Hallinan went on to say that the artists could not afford "two clerks". She also stated that, for the artists' money, the artists do not receive the benefits received by Portland artists, such as a ten-foot x ten-foot display and a heated and lighted environment. "We get a five by four; we're crowded in." She stated that San Francisco is "the top city in all of the world", and the artists' spaces on Beach Street and Justin Herman Plaza were "some of the best real estate in the world." But the citizens of the city, she said, do not know that the street artists are artists or that they have to struggle. Ms. Hallinan told the Commissioners that they should spend some money on the Street Artists Program; while the Program has existed since the early 1970's, no attention has been paid by the Commission to its Program which "is "very special in the whole wide world", not to be found in New York City nor elsewhere. She accused the Commission of not funding a study of the Program or a questionnaire of the artists while it funded other art activities in the city. The Commission should do more than just tell the artists each year that their fee is being raised.

Ms. Hallinan added that she was "so proud of this Program; I'm so proud of the way that it runs" and that it has afforded "all these people who sent their kids to college."

She stated that the Program would not require "two clerks" if an automated licensing card system were to be approved. She added that the

Program did not need privatization. What was needed was some attention placed upon it by the Arts Commission.

She went on to say that her income has gone down significantly, that she only gets to sell once a week because the rest of the time she has to create her items. However, while she could have gotten a much better job somewhere else, she chose to stay in the Street Artists Program because she liked making her arts and crafts and offering them to people.

Commissioner Lloyd closed public comment.

Commissioner Garcia-Nakata commented that, as a practicing artist for many years and also doing other work, she wanted to affirm that it was not an easy road but a choice – and, she said, a very honorable choice.

She also stated that the idea of a survey could possibly happen, but because surveys are expensive, she would like to see a survey resource donate its service to the Commission for such a venture. It could be a feasibility study and an assessment of future direction.

Commissioner Calloway noted that there were two issues being discussed: (1) the cost of the Program and (2) an assessment of how the Commission is serving the street artists. He commented on the need to evaluate the street artist experience.

Director of Cultural Affairs Cancel commented that he would like to see traditional fundraising methods used to raise money dedicated to the Street Artists Program and to work with the street artists to find ways to channel that support so that the Commission would not have to be forced to make the certificate fee cover all the expenses. He went on to say that, in this difficult economic time, he had been advocating with the Mayor to direct some of the City's advertising and promotion to the regional level in order to make San Francisco a shopping destination. Within that context, the street artists, with their unique items priced in a very accessible way, could play a major role.

Commissioner Garcia-Nakata stated that one of the reasons for her wanting to serve on the Arts Commission is Mr. Cancel's ongoing work to position the Commission in such a way as to not be an adjunct to other City concerns but to place the Commission's agenda and issues within other important issues. By extension of this, she said, Mr. Cancel is looking to partner with other departments to be able to draw on resources that would be mutually beneficial.

Commissioner Calloway stated that while there is the reality that the Street Artists Program has to be self-sustaining, it was difficult for him to understand that the City Attorney's office, a City agency, should charge another City agency for its services.

Commissioner Garcia-Nakata responded that, when she was administering an education program at Yerba Buena, her program was charged back by its own organization to make it run. In these current difficult times, the practice of agencies charging each other is not new.

Commissioner Delaney stated that she has started an e-mail correspondence with CCA's MBA program to see if some of the graduate students will assist the Arts Commission in examining the Street Artists Program to come up with potential scenarios. She could not understand why the Street Artists Program has not been computerized, like all agencies.

Commissioner Delaney went on to say that she could not perceive a clear identification for the street artists as a group on the street. She congratulated Mr. Cancel on reaching out to other organizations that are private; she would like to see the Arts Commission joint-venture with GAP or some other private business in order to obtain awnings that would identify that the artists are of San Francisco.

Mr. Cancel stated that he had observed that, while some of the artists display their certificates, what is needed is more visible signage that would convey: "This is a San Francisco artist." This would be an excellent opportunity for website promotion of the street artists. The topic of signage should be addressed in the next few months.

Adding to Mr. Cancel's comments about signage, Commissioner Lloyd stated that it was difficult to discern that this is a street *artists* program, rather than a street vendors program. While other cities have street vendors, San Francisco's Street Artists Program is very unique and specific to a city which allocates public spaces whereby artists can sell directly to consumers.

Mr. Cancel stated that, because the Arts Commission has to submit its budget to the budget analyst in February, the Street Artists Program's budget and fee for FY 2009-10 should be decided at the next meeting of the Street Artists Committee, which is scheduled for January 14th.

Commissioner Lloyd stated that, given the Program's flexibility of the number of certificate-holders, it did not seem reasonable to legislate an annual automatic adjustment of the certificate fee. Furthermore, a budget meeting will be held by the Street Artists Committee annually. The Commissioner also expressed agreement that the Advisory Committee should be fully funded in order to help fulfill the Arts Commission's duty of enforcing the street artists ordinance.

Commissioner Melania stated that, based on past hearings conducted by the Street Artists Committee, it would be helpful to have the members of the Advisory Committee on monitoring duty more often.

Commissioner Calloway agreed and stated that increased usage of the Advisory Committee on monitoring assignments would help differentiate the street artists from other vendors and would enhance the visibility of their Program.

Commissioner Lloyd requested Program Director Lazar to submit two proposed budgets for FY 2009-10 at the January meeting: (1) the same budget proposal as was submitted at the present meeting; and (2) a budget proposal to reflect compensation for the maximum number of 35 meetings/assignments of the Advisory Committee and inclusion of the costs of an electronic identification card system (to be heard under Item 3 of the present meeting's agenda), which would also impact the certificate fee. The Commissioner confirmed that the Street Artists Committee would not be meeting in December; he affirmed that a FY 2009-10 budget would be formally voted on at the January meeting.

3. **Discussion and possible motion to approve for inclusion in Street Artists Program budget for Fiscal year 2009-10 the cost and related costs of electronic identification card systems for street artist certification.**

(a) Presentation of proposal by Street Artist Michael Addario.
Street Artist Michael Addario stated that some of the issues he has with the current street artist certificate cards are that they are hand-written cards, some of which have been found to have had misplaced names, transposed numbers, and duplicate numbers; there have been people counterfeiting their certificates; also, there is not an accurate list of the current number of street artists. Because the cards are hand-written and then entered into the computer, there is opportunity for information to be misconstrued, transposed, etc. This becomes a problem when the lottery committees are signing in artists for their spaces; they are signed in by their certificate number. Mishaps in the licensing, he said, resulted in six people who were caught selling without licenses which, in turn, caused licensees to lose spaces.

Mr. Addario went on to say that he contacted AlphaCard which sells to Venice Beach's street artist system; AlphaCard also provides licensing for San Francisco's City Hall, the Health Department, and pot clubs. He submitted two samples of cards from downloading AlphaCard's software. Any street artist information – artist's photo, expiration date, codes, etc. – can be placed on the AlphaCard. He submitted two quotes from AlphaCard: $1,992.42 would buy, he said, one level of security; $3,497.09 would buy a higher level of security.

Mr. Addario stated that there were some street artists who would help in the data collection; they would examine the file of every street artist to capture the name, address, telephone number, and a digital photo of the artist – all of which would be encompassed in the database. If an artist

were to renew his certificate, the only item to be changed would be the date of the certificate's expiration. The problems arising from handwriting information on renewed certificates, and cutting and pasting photos, would be eliminated.

Mr. Addario requested that outside funding, as a grant, be solicited to pay for the new system, rather than the street artists paying for it.

In response to questions by Commissioners Delaney and Lloyd, Mr. Addario stated that the cost, after initial expense, would be about 50 cents per card.

Commissioner Garcia-Nakata asked if there were any "use fees" or hidden fees involved with the proposed system. Mr. Addario responded that AlphaCard provided toll-free support and would help the Program in setting up the design of the card.

Commissioner Garcia-Nakata expressed that there might be another City department which uses the same system and with whom the Arts Commission could partner instead of going to the expense of creating a special system for the Street Artists Program.

(b) Presentation of proposal by Street Artists Program Assistant Evelyn Russell. Street Artists Program Assistant Evelyn Russell stated that she wanted to thank street artist Michael Addario because this was a project she herself had started last year. She had researcbed a number of companies which manufactured electronic identification card systems in order to find quality for the best price. From her research, she had selected a company called Capture Technologies. Her research, however, had been tabled (by the Street Artists Committee) because of cost issues.

Ms. Russell produced a sample of a current hand-written street artist certificate which, she said, was wonderful in its day but was something that now, because of modern technology and its education of children, her five-year-old grandchildren, she said, could do better.

Ms. Russell stated her reasons for recommending Capture Technologies. The issue of hidden costs had surfaced when she discovered that other companies would only help the purchaser through technical problems over the telephone or online. This would invariably result in the company requesting the purchaser to package the item and mail it back to the company, with the purchaser left without a means to continue its work. Ms. Russell stated that she required one-on-one, "hands-on" instruction, and that Capture Technologies will send a representative to the worksite if there is a problem. Furthermore, she said, with regard to the necessary training period to learn to operate the new system, Capture will send a representative to the worksite to train personnel, whereas the other companies offer training over the phone or by email.

Ms. Russell went on to say that Capture Technologies services the San Francisco Fire Department, the Sherriff, Municipal Railway, Human Resources, Public Health, City Hall, the Academy of Sciences, Moscone Center, and other organizations and programs.

Ms. Russell introduced Account Executive Jeff Atkinson of Capture Technologies and asked him to give a presentation.

Mr. Atkinson produced samples of two-sided cards with a bar code generated by his company. He described bis company's history, the position of data cards in present times, and various city, state, and private departments serviced by Capture. His company is able to design a card to the Arts Commission's specifications and in the form of three types of cards. His company performs onsite examinations of its systems and provides a yearly maintenance agreement. A machine can be leased from Capture for $131 a month; or a single-sided card system can be purchased for $1,400; or a double-sided card system can be purchased for $6,600.

Ms. Russell stated that, with respect to the issue of the production of a list of certificate-holders, the Capture system will also double as track-keeping data of the artists.

Commissioner Lloyd stated that it made better sense for the Street Artists Program to lease the machine than to purchase it and to have the machine on the premises rather than to partner with another department for its use. The Commissioner called for public comment.

Street Artist Edward Steneck stated that an expense item in the budget comparable to the cost of the new system should be deleted from the budget, so that the budget is not additionally increased.

Street Artist Michael Addario stated that he wanted to see the comparisons of Capture's product with those of AlphaCard. Furthermore, be would rather see the system purchased, rather than leased.

Commissioner Delaney stated that, with a new time-saving system, Ms. Russell could put her attention to other tasks. She asked her how much time was involved in issuing a certificate.

Ms. Russell responded that the time varied depending on the number of crafts which required listing on an artist's certificate. Total hours per week are roughly five to ten hours.

Commissioner Delaney stated that the cost of a new machine was insignificant compared to the current salaried cost of Ms. Russell's hours.

Closing public comment, Commissioner Lloyd proposed that, given the restrictiveness of the budget, the artists not bear the cost of purchasing a system, and that a low-end system be leased and situated in the office.

Commissioner Delaney stated the she would purchase the machine for the Program and that she wanted "this system in place."

Commissioner Lloyd requested that Commissioner Delaney head an ad hoc subcommittee to choose the unit.

Commissioner Garcia-Nakata stated that the costs of the systems of both companies be investigated before a purchase is made. Addressing Mr. Atkinson, she stated that she would like to see an offer made by bis company to the Street Artists Program for the first year of its system's usage.

Commissioner Lloyd moved that Commissioner Delaney, Evelyn Russell, Michael Addario, and Commissioner Lloyd, serve on an ad hoc committee to decide on the appropriate unit for Commissioner Delaney to purchase for the Street Artists Program.

Commissioner Garcia-Nakata stated that, because the Arts Commission is a public institution, there are certain procedures that must be followed by donors giving money to an institution; therefore, Director of Cultural Affairs Cancel should be consulted on the process to be followed in the contribution and designation of the gift.

Program Director Lazar stated that the ordinance which provides for the street artist fund also allows for the receiving of gifts.

Commissioner Lloyd withdrew his motion, saying that it was not necessary to form an ad hoc committee if Commissioner Delaney, as an individual, chooses to make a donation.

4. **New business/public comment.**

Street Artist Kathleen Hallinan stated that the street artists were willing and able to interact with the Commissioners and staff to give input on issues. She also requested that the Program produce a Chinese interpretation of its handbook of rules and procedures for the Chinese street artists.

There being neither further new business nor public comment, Commissioner Lloyd adjourned the meeting at 5:13 p.m.

Respectfully submitted:

Howard Lazar
Street Artists Program Director

November 26, 2008

Meeting Information

GOVERNMENT DOCUMENTS DEPT
FEB 21 2015
SAN FRANCISCO PUBLIC LIBRARY

STREET ARTISTS COMMITTEE
Wednesday, January 14, 2009
3:00 p.m.
25 Van Ness Avenue, Suite 70

Agenda

1. ***Action.*** **Discussion and possible motion to:**

   (a) approve Street Artists Program budget for Fiscal Year 2009-10 and corresponding proposed Street Artist certificate fee increase for Fiscal year 2009-10. As required by Proposition K of November 8, 1983, any certificate fee increases would be limited to those necessary in order to finance the costs of the Arts Commission in administering and enforcing the provisions of the Street Artists Ordinance; and

   (b) authorizing the Street Artists Program Director to ask the City Attorney's Office to draft a corresponding fee ordinance for submission to the Board of Supervisors for approval.

   [Explanatory documents: "Proposed Budget I" and "Proposed Budget II" and corresponding fee increases for Fiscal Year 2009-10]

2. ***Action.*** **Hearing and possible motion to approve issuance or renewal of certificate.**

   Roger Fierro - Certificate #5398. Alleged violation: Participating in Arts Commission space-assignment lottery system with an expired certificate (November 8, 2008).

3. ***Discussion.*** **Street Artists Program Director's Report.**

4. **New business.**

5. **Adjournment.**

January 8, 2009

Notices

Explanatory documents are available for public inspection and copying at the Arts Commission office, 25 Van Ness Ave, Suite 240, San Francisco CA 94102 during regular business hours. Tel: INFO: (Howard Lazar 415-252-2583).

Public comment in regard to specific items will be taken before or during consideration of the item.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (San Francisco Campaign and Governmental Conduct Code sections 2.100 - 2.160) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 25 Van Ness, Suite 220, San Francisco, CA 94102, telephone (415) 252-3100, fax (415) 252-3112 and web site.

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Government's duty is to serve the public, reaching its decision in full view of the public. Commission's, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, contact Frank Darby by mail to Administrator, Sunshine Ordinance Task Force, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by email at **sotf@sfgov.org** .

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Meeting Information

STREET ARTISTS COMMITTEE

Wednesday, January 14, 2009
3:00 p.m.
25 Van Ness Avenue, Suite 70

MINUTES

GOVERNMENT DOCUMENTS DEPT
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Members present: Commissioners Alexander Lloyd, Topher Delaney, Lorraine Garcia-Nakata, Sherene Melania

Members absent: John Calloway

Staff present: Director of Cultural Affairs Luis Cancel, Street Artists Program Director Howard Lazar, Program Assistant Evelyn Russell

Commissioner Lloyd, Chair, called the meeting to order at 3:01 p.m.

1. ***Action.*** **Hearing and possible motion to approve issuance or renewal of certificate.**

Roger Fierro – Certificate #5398. Alleged violation: Participating in Arts Commission space-assignment lottery system with an expired certificate (November 8, 2008).

Street Artists Program Director Howard Lazar explained that a Lottery Rule III, initiated in 1976 by the Arts Commission's street artist Lottery Committee, requires a street artist to have a valid certificate in order to enter the lottery for spaces. On November 14, 2008, Mr. Lazar received a written report from a Lottery Committee member and an accompanying list of the certificate numbers of the artists participating in the lottery of November 8th. He now presented the report and the list to the Arts Commissioners of the Street Artists Committee who observed that Roger Fierro's certificate number was recorded. Mr. Lazar stated that Mr. Fierro's certificate had expired four days previously, on November 4th. Mr. Lazar further stated that this type of violation was not covered in the Arts Commission's list of penalties for violations.

Lottery Committee Member Kathleen Hallinan stated that, while running the lottery, it had come to her attention that Mr. Fierro had entered the lottery. She submitted the report and the list to Mr. Lazar.

Lottery Committee Member Carlos Cuzma stated that on November 8th, upon verifying each artist's certificate, he informed Mr. Fierro that his certificate had expired and that he was not permitted to take a space. Mr. Fierro complied.

Director of Cultural Affairs Luis Cancel asked Mr. Cuzma in Spanish if he wished to add any comments. Mr. Cuzma replied (Mr. Cancel translating) that Mr. Fierro had received assignment of a space, but, when he was requested to show his certificate, he was informed by Mr. Cuzma that it had expired, and Mr. Fierro declined to accept the space.

Street Artist Roger Fierro told the Commissioners that he had forgotten to renew his certificate, that there had been no big demand for spaces on Beach Street, but that the moment he learned of its expiration from Mr. Cuzma, he refused to claim a space.

In response to a question by Commissioner Garcia-Nakata, Mr. Lazar stated that, two years ago, he had sent Mr. Fierro a written warning for having entered the lottery with an expired certificate on August 24 and 26, 2006. Prior to the present hearing, he had sent Mr. Fierro a written offer to meet with him to review the current violation and, if he agreed to sign a statement promising to obey all the Program's rules, to receive renewal of his certificate. But Mr. Fierro had not contacted Mr. Lazar for such a meeting, and the Program Director, according to the Arts Commission's procedures, referred the matter to the Street Artists Committee.

Commissioner Loyd commented that Mr. Fierro's certificate had been expired for only four days when he had entered the lottery, and that he had renewed the certificate the following week.

Commissioner Lloyd moved that Roger Fierro be found in violation for participating in the space-assignment lottery system with an expired certificate, that he be issued a warning against any future similar violation, and that the Program Director authorize renewal of Mr. Fierro's certificate contingent upon Mr. Fierro's agreement in writing to abide by all street artist regulations; the motion was seconed by Commissioner Garcia-Nakata.

Commissioner Lloyd called for public comment.

Street Artist Michael Addario stated that this has been a recurring problem in the Program, and that there was no provision in the law for the Program to receive payment from an artist for the time the artist is working without a certificate. He stated that if the artists had been furnished a monthly roster of artists, such violations could have averted.

Program Director Lazar clarified that the cases to which Mr. Addario was referring were about artists who had been *selling* – some for over a month – whereas Mr. Fierro's certificate had expired for only four days, and the Program had received no evidence that he had sold during that time.

Street Artist Bill Clark stated that, in reference to the Arts Commission's allowance of a grace period for the renewal of street artist certificates, the City Attorney had clarified that it would be illegal to back-date a renewal to the date of the certificate's previous expiration because the ordinance stated that an artist receives a certificate upon payment of the fee, and that guarantees a full period of certificate validity (three months or one year) for which the artist is entitled. Furthermore, the Arts Commission could refer street artist violations to the District Attorney to prosecute and/or collect fines which could then be deposited into the Street Artists Program's street artist fund.

Upon closing public comment, Commissioner Lloyd called for a vote on the motion.

The motion was unanimously approved.

2. *Discussion.* **Street Artists Program Director's Report.**

Street Artist Linda Pedersen's work. Program Director Lazar submitted a copy of the fall/winter 2008 edition of *edible EAST BAY* magazine which showcased the art work of long-time San Francisco street artist Linda Pedersen. Ms. Pedersen's reduction linocut prints in color are featured on the magazine's cover, on pages of a lead article, and on a page listed the locations where her work is exhibited as well as the process involved in her work.

Salt Lake City's request for advice. Police personnel of Salt Lake City contacted Mr. Lazar on December 22nd requesting his advice on enforcement procedures for Salt Lake City's street artists/vendors ordinance. In the course of the consultation, Mr. Lazar was told that San Francisco's Street Artists Program has the reputation of being one of the finest run programs in the nation. Mr. Lazar was requested to furnish a copy of the Street Artists Ordinance for possible use as a model to improve Salt Lake City's ordinance.

List of current street artists. Mr. Lazar reported that his office published a list of current street artist certificate-holders with certificate expiration dates. The list revealed a significant climb in the number of artists in the Program. From an annual average of 390, the number rose to 433 from last summer to now.

Director of Cultural Affairs Luis Cancel's promotion of street artists. Mr. Lazar expressed his thanks to Director of Cultural Affairs Luis Cancel for publishing in the Arts Commission's website December newsletter an appeal to shoppers to buy from the street artists during the holiday season. Mr. Cancel had urged people *"to patronize the many wonderful local artisans and craftspeople who are part of our Street Artists Program ... and I am sure that you will find that unique and special gift you are looking for."*

Enforcement measures. Mr. Lazar (a) concluded a three-month investigation of a complaint filed by one artist against another, resulting in a determination of a lack of witnesses and preponderance of evidence; (b) conducted as hearing officer on November 20th a hearing with an artist whose work was found to be not in accord with Arts Commission criteria, resulting in the artist's signing an agreement to abide by all of the Program's regulations and receiving the Program Director's authorization of renewal of certificate; and (c) is currently investigating four separate large-scale complaints by artists against artists, resulting in a backlog of eight other complaints.

Fillmore Saturday Art Market. Mr. Lazar reported that he was contacted by personnel of San Francisco's Fillmore Saturday Art Market to convey a request for street artists to participate in the Saturday Market. He e-mailed the Fillmore's announcement to the Program's Lottery Committee and to various representative artists.

Street artist "Steering Committee". On January 9th Director of Cultural Affairs Cancel and Program Director Lazar met with six street artists who had appointed themselves to an ad hoc committee they called the "Steering Committee" to submit requests for program improvement, some of which may ultimately be heard by the Street Artists Committee.

Director of Cultural Affairs Cancel stated that, upon his arrival as the Arts Commission's director, he had expressed a desire to see the street artists have a committee which could formally speak on their behalf and interact with the Mr. Cancel and Mr. Lazar on ideas and proposals for program improvements. He was, therefore, pleased to have been approached by the newly formed "Steering Committee." He said that the January 9th meeting was very productive and covered some policy issues for which the committee artists expressed their views and to which Mr. Lazar and he responded from an administrative perspective. While there had not been agreement on certain issues, there was a good exchange of information. He added that Mr. Lazar and he welcomed the committee and looked forward to working with its members while finding a way to having the committee's membership validated by its street artist constituents.

Commissioner Lloyd expressed appreciation of these efforts and stated that the meetings held by his own committee were not necessarily the best venue to "brainstorm" new ideas and proposals, whereas meetings of the "Steering Committee" might be best suited for the purpose. He urged that representation on the committee be achieved through a fair manner.

Mr. Cancel stated that the "Steering Committee" members, Mr. Lazar, and he had agreed to ask Commissioner Lloyd to allow on future agendas of the Street Artists Committee an item devoted to a report by the "Steering Committee."

Commissioner Lloyd concurred with this and clarified that any business to be reported by the "Steering Committee" which required a vote of the Street Artists Committee would have to be noticed as such on an agenda.

Commissioner Garcia-Nakata stated the "Steering Committee" could help the Commissioners be informed of current street artist issues.

At Mr. Cancel's request, the following members present of the "Steering Committee" identified themselves, their arts/crafts, and their current duration of time in the Street Artists Program: Brian Hopper, "funsketch" portraits, twenty-eight years; Kathleen Hallinan, leathercraft, thirty-four years; Lucinda Page, jewelry (did not give duration of time); Michael Addario, photography, five years. Mr. Addario stated that the members not present were Oscar Bevilacqua, painted clothing, and Virginia Travers, paintings and prints.

3. *Action.* **Discussion and possible motion to: (a) approve Street Artists Program budget for Fiscal Year 2009-10 and corresponding proposed Street Artist Certificate fee increase for Fiscal Year 2009-10. As required by Proposition K of November 8, 1983, any certificate fee increases would be limited to those necessary in order to finance the costs of the Arts Commission in administering and enforcing the provisions of the Street Artists Ordinance; and (b) authorizing the Street Artists Program Director to ask the City Attorney's Office to draft a corresponding fee ordinance for submission to the Board of Supervisors for approval.**

Program Director Lazar summarized that, at the last meeting of November 12, 2008, Commissioner Lloyd requested Mr. Lazar to present for today's meeting two types of budget: (1) the same budget proposal which he had submitted at the November 12th meeting; and (2) a budget proposal to reflect compensation for the maximum legally-allowed number of thirty-five (35) meetings/monitoring assignments for the Program's Advisory Committee of Street Artists and Crafts Examiners, representing an increased expense of $4,000. Accordingly, Mr. Lazar presented "Proposed Budget I" and "Proposed Budget II".

Mr. Lazar explained the changes he made in "Proposed Budget II" over "Proposed Budget I": a reduction of $1,459 for "Materials & Supplies"; an increase of $4,000 to achieve a full complement of 35 meetings or assignments for four members (not the legally allowed five) of the Advisory Committee; an elimination of $950 for "Photo-finishing"; and a reduction of $1,667 for "Reproduction" (printing of lottery supplies, street artist certificates, fee receipts, etc.). With these changes, the proposed annual certificate fee of $607.64 for "Proposed Budget II" – even covering the

added $4,000 expenditure of the Advisory Committee – would be only $3.56 more than the proposed annual fee of $604.08 for "Proposed Budget I". Similarly, the proposed quarterly fee of $151.91 for "Budget II" would be only $.89 more than that of $151.02 for "Budget I".

The Program Director went on to explain that, compared with the current (FY 2008-09) annual fee of $532.28, the proposed annual fee of $607.64 for "Budget II" would represent a 14.16% increase: an annual increase of $75.36; a quarterly increase of $18.84; or a daily increase of $.20.

In order to realize the full potential annual revenue of any street artist fee to be adopted, Mr. Lazar stated, the new fee must commence on July 1st, the start of the fiscal year. If it does not, the potential revenue would be diminished. Therefore, he urged the Commissioners to take their vote of recommendation at today's meeting, so that the full Arts Commission would be able to vote on it at the meeting of February 2nd; a month would be allotted for the City Attorney to draft a new fee ordinance; the better part of two months – April and May – would be allotted for Board of Supervisors hearings; and finally, after Board of Supervisors and Mayor's approval, a required thirty days would be allotted in the month of June before the new fee ordinance could take effect.

Director of Cultural Affairs Cancel commented that one of the points he discussed with the "Steering Committee" was that the ordinance made it clear that the Street Artists Program is supposed to be "revenue neutral" from the City's perspective. He had observed that, for some time, the Arts Commission, during years of its receiving increased funding, had not been allocating its costs of overhead to several of its programs, including the Street Artists Program. After doing an "overhead allocation" exercise, Mr. Cancel observed that a street artist fee increase for the current year (FY 2008-09) would have been substantially more had the Commission required a full overhead allocation from its programs. But he made a decision to not levy a full overhead cost on the Street Artists Program for the current year. Now, however, with the present economic situation of the City, it became imperative for him to levy full overhead costs for the following year on all of the Commission's programs; and that was why the proposed fee for next year would be significantly higher than the current fee.

Mr. Cancel went on to clarify that he had also informed the "Steering Committee" that next year's proposed budget for the Street Artists Program reflected all overhead costs except for one: an allocation for legal services of the City Attorney's office, The City Attorney's office issued a report on the Arts Commission's usage of City Attorney time for the first quarter of the current year. Mr. Cancel was startled to see that his Commission had already used approximately forty per cent of the legal services time which had been allotted to the Commission for the year. In the course of examining the report, he saw that the Street Artists Program had already used up a very substantial portion of the allotted time. Nevertheless, the costs related to such City Attorney service were not reflected in the Program's upcoming budget. However, as Mr. Cancel had mentioned to the "Steering Committee", if, by the end of the current year, it is discovered that the Street Artists Program is continuing to require City Attorney opinions on Sunshine Ordinance requests and other matters, the Commission would have to seek a revision of the Program's budget to reflect such cost.

Commissioner Garcia-Nakata asked whether it was within the purview of the Arts Commission to seek pro bono service from a large-scale outside private law firm, in order to offset the Commission's use of City Attorney time.

Mr. Cancel responded that he would be willing to explore this idea, first seeking an answer from the City Attorney as to whether such service from an outside law firm would be allowed.

Commissioner Delaney commented that she continued to see a "systemic problem": The Arts Commission was shepherding a private group forward, taking private money from the group to pay for public services such as legal staff which she was not convinced was the most effective way of dealing with legal issues. She questioned whether the accounting provision in the budget was fully operational, whether the Commission was fully computerized, and whether the IT, as well as the other budget provisions, was at a level commensurate with what an active private business would require in the current economic climate. She asked whether the computerization within the Commission was commensurate with that of a private company. She questioned whether the street artists were represented at a level that a private company would give them. While she stated that she did not know the answer, she commented that the street artists are "private people" and "not public", that it was a complicated issue which she did not know how to resolve.

Responding to the Commissioner's questions, Mr. Cancel stated that the IT service lent to the Arts Commission was not commensurate with that given to the private sector; however, the Commission was moving in a direction to improve it. He cited the current major database project which had been delayed by the City's telecommunications union who had objected to the Commission's private contractor performing the service for the Commission; the issue now has been improved, and the database project is moving forward. In the next fiscal year, the project should facilitate the street artist information required by the Program, such as a day-by-day listing of current certificate-holders.

Commissioner Melania questioned whether the present street artist lottery system could be upgraded by computerization.

Program Director Lazar responded that such a question had been raised before the Street Artists Committee several times during the previous twenty years and each time the Commissioners heard the majority of artists insist that their lottery remain as it is and not be computerized.

Commissioner Delaney stated that cities traditionally are not as effective in their infrastructures generally as are private companies for various reasons including their being encumbered by procedures of payment. Because the street artists, she said, were "private people", her concern was whether they were beleagured by the City's costs that, she said, were not effective for them.

Commissioner Lloyd affirmed that the Street Artists Program is a public program and not a private program - for example, it assigns spaces on public property; it is overseen by people who are appointed as public commissioners.

Commissioner Delaney stated that it is a public program which is paid for by private resources, which makes it, she said, significantly different from any other program.

Mr. Cancel stated that any business which is licensed by the City falls in the same category as that for the Street Artists Program: the City imposes a fee for licensing and review, an expense capture relative to the particular business.

Commissioner Delaney stated that the proposed budget's figures should be further examined.

Commissioner Garcia-Nakata stated that, without the Arts Commission, there would be a great deal of structure which the artists would not have. This would include the artists having to deal with a high number of people competing with them not on fair ground.

Commissioner Lloyd stated that the Commissioners' actions were restricted by the Street Artists Ordinance which stipulates that the licensing of street artists is exclusively under the purview of the Arts Commission; it does not provide for the service to be administered by a private company.

Commissioner Delaney stated that she believed that the Program's positions could be cut because the program is not a computerized program and does not run effectively. Were it up to a level of computerization, the Program, she said, could be run by one computer-savvy person.

Mr. Cancel responded that, while it was one matter to ask for an operational review report to be prepared by Mr. Lazar, he observed that there were various tasks involved in administering the Street Artists Program – for example, much of it is an administrative, paper-handling aspect; another is the oversight and investigative duties involved in enforcing the ordinance. From his perspective, Mr. Cancel stated, he would have to say that the Program is *minimally* staffed. Furthermore, as he had stated to the "Steering Committee", if there were to be a large number of additional complaints between artists or issues that required investigation and enforcement, the Commission would have to consider adding employees or finding a better way to police the Program.

Continuing, Mr. Cancel stated that the Commissioners and staff, once they receive a report from Mr. Lazar describing the Program's operations, could engage in a further discussion as to whether the Program is, in Mr. Cancel's view, minimally staffed or whether it is, in Commissioner Delaney's view, overstaffed.

Commissioner Garcia-Nakata commented that the IT issue is an area that all government agencies, including the Arts Commission and its programs, are working hard to elevate.

Commissioner Delaney stated that her own business has young people working dexterously with computers, and that, while she herself does not know how to do what they do, this is the type of operation which needs to administer the Street Artists Program.

Commissioner Melania stated that, while the Commissioners would want the Program to run as efficiently as possible and that a big part of it is having the proper IT resources, she has observed, having served on the Street Artists Committee for over a year, that the Program is moving in that direction, but it requires additional funding for that mode.

Program Director Lazar addressed Commissioner Delaney's remarks by stating that in an ideal world a program like the Street Artists Program could probably be run by one person if a computer could intervene in all of the fights between street artists, could arbitrate all of the arguments between street artists, and could negotiate with the merchant organizations for additional spaces for the street artists. If a computer could monitor the activities of the artists, consideration could be given to placing cameras on the streets to observe what all the artists were doing. But, he said, until that happens, and until the Program elevates itself to a higher IT level, it should be understood that the IT level is not the only level to be required to run the Program.

Commissioner Delaney stated that she understood this and that monitoring was absolutely essential, but she reaffirmed her opinion that the Program was not up to the level of efficiency of private industry. She added that this was a privately funded organization which has not met the requirement.

Commissioner Lloyd clarified that, while the artists pay their fees, the Program and its Commission is not at all a private organization. The very fact that Commissioners weigh in on the Program's issues attest to its not being a private organization.

Commissioner Delaney stated that the street artists were people going out in the cold and the heat selling their wares.

Commissioner Garcia-Nakata stated that there was established much precedence on the government level where individual artists – private individuals having to make a living - are administered by government.

Commissioner Delaney proposed that if the Program Assistant's position were reduced to half-time, it would be a $45,000 savings. It would decrease the annual certificate fee for 400 artists by $112.50.

Director Cancel stated that the Arts Commission's employees are governed by Civil Service rules. Therefore, when an analysis is made to determine whether the right level of expertise and efficiency exist in the various duties of the Program, it will have to be verified that the employees are operating within the Civil Service rules.

Program Assistant Evelyn Russell, through the Chair, asked Commissioner Delaney about the status of the ID card system [the electronic certification system which the Commissioner had, at the previous meeting, offered to contribute to the Program] which was to save the Program money. Currently, under the present certificate-issuance system, plastic lamination envelopes needed to be ordered to laminate the artists' certificates; the arrival date of the new system would determine the amount of plastic envelopes to be ordered for use in the interim.

Commissioner Delaney responded that she wished to work with Commissioner Lloyd on this project.

Commissioner Lloyd stated that he was certain the new system would arrive by the time the new budget is implemented. Commissioner Delaney agreed that the system would arrive by July 1st.

Commissioner Lloyd called for public comment.

Street Artist Kathleen Hallinan stated that she agreed with Commissioner Delaney. She said there were two different realities, and that one was a budget of $237,000 out of which $180,000 would fund two salaried positions. The amount of the salaries did not make any sense for a self-funded organization, and it did not make sense in the present economy. In order to cut costs, she proposed that the hours of the Program's office for renewing certificates be reduced from five days a week to two days a week or even one day a week. Presently, it was a poor time of the year for the artists. The two current staff members are enjoying $90,000 benefits "on the backs of the street artists who are suffering."

Continuing, Ms. Hallinan stated that the artists should have a say in the budget and operation of their Program because they fund it. She went on to criticize the time taken by the City Attorney's office to answer a question submitted by Mr. Lazar on behalf of the artists.

Street Artist Michael Addario thanked Mr. Cancel for meeting with the "Steering Committee". He stated that in the last few years the artists have witnessed some difficulties in the staff's production of certificates – incorrect expiration dates, certificates issued out of sequence, certificates filled out incorrectly, and untimely processing. He said that there appeared to be minimum oversight by the Arts Commission over the staff of the Program, and that, as far as he knew, there has never been a financial audit of the Program. He went on to say that there was no accountability for bad issuance of checks submitted by artists. One artist's fee amounting to $400, he said, was stolen from the office and was never brought to the artists' attention. The artists' fees, he said, are received by the Program Assistant and then are submitted to the bank with no reconciliation by the Arts Commission's accountant.

Mr. Addario went on to say that, formerly, he had worked at a Toyota dealership. He held up an account sheet for the Commissioners and described it as Toyota's showing a monthly breakdown of expenses. If the Commission wished to run a program correctly, a monthly accounting should be required.

Mr. Addario recommended that the office staff be downsized which, he said, would save the Program $80,000. He further recommended that it be investigated as to whether the service of issuing certificates could be transferred to "the clerk's office" which, he said, issues ID cards for immigrants. That office could also validate the artists' business licenses.

Mr. Addario stated that, for every new employee to be added, it would cost each street artist $200.

He further recommended that the Program stop taking cash for street artist fees. He also requested that an audit be done and, after which, the artists and the Commissioners return with recommendations.

Street Artist William Clark expressed opposition to any street artist fee increase until all street artist fees that have been collected by the City are allowed to be used by the Street Artists Program. Previously, his brother and he had been instrumental in getting the City to return $100,000 of the artists' fees to the Program. However, there had been $200,000 that had been collected and deposited into the general fund and not allocated to the Program. Also, there was approximately $40,000 in interest on street artist fees collected from 1991 to 1997, and this interest is owed to the Program. This was denied, he said, by the City Attorney who had held that the street artist fees are not held in trust; but Mr. Clark had presented state law, city attorney opinions, attorney general opinions, and case histories which affirm that the street artists' fees are held in trust. Mr. Clark stated that his brother and he intended to bring up this issue at the Board of Supervisors.

Mr. Clark stated that the Street Artists Ordinance, a ballot measure, stipulates that the Advisory Committee of Street Artists and Crafts Examiners "shall consist of five members ..." Therefore, it is mandated that the Advisory Committee have five members, regardless of the Commission's efforts to attempt to trim costs by having only four members on the Committee. Mr. Clark urged Mr. Lazar to go forward to obtain a fifth member.

Street Artist Robert Clark stated that Director Cancel was correct; the Street Artists Program is a self-funded program. In 1972, he said, when the Clarks first convinced the City to start the Program, Supervisor Terry Francois, at a meeting of the Board of Supervisors, told the artists: "Don't any of you dare to ask for one single dime from the general fund." The artists agreed to fund the Program entirely by their certificate fees. What they were not told, he said, was that their fees would be deposited into the general fund. While some $200,000 artists' fees were deposited into the general fund, the Supervisors allocated only very small amounts, such as $4,000, to the Arts Commission to run the Program. Mr. Clark now requested that the Commission ask for the return of the money before the Commission chooses to raise the artists' fees. His brother and he have been arguing for this each time the Commission considered raising the fee since 1983. They intended to argue this point again at the Board of Supervisors.

Mr. Clark went on to say that the present Arts Commissioners were adopting all of the problems the Clarks have had with the City Attorney. For twenty years they have been arguing with the City Attorney over whether it was legal to have had the fees placed in the general fund and whether they should be given to the Arts Commission to run its Street Artists Program. A year and a half ago, he had asked the Street Artists Committee to calendar this matter, as well as the matter of the interest owed to the Program, for hearing; but these matters were never calendared.

Street Artist Maria Hillius stated that she has been a street artist for twenty years and that, when she entered the Program, there were three or four staffpeople; she was not in favor of reducing the number any further. She went on to say that it was acceptable to her if the certificate fee were increased. She works as a street artist for one hundred days a year, primarily in the summer. While this translates to about $4 a day for her, as well as a cost of $15 a day for parking during certain weeks, she does not have to sit in the rain during off seasons and wait for customers. When artists enter the Program, she said, they already know what lies ahead of them in terms of the weather and business potential; therefore, they should make a reasonable work schedule for themselves.

Ms. Hillius reiterated that she did not object to the certificate fee being increased so long as some improvements were made such as eliminating three-month renewals of certificates and making all renewals for a year, and putting more inspectors on the streets to monitor the Program. Many artists, she said, were in favor of these proposals. She finished by saying that $600 [for a certificate] "is a giveaway to be able to work in a prime space in the city."

Seeing that there were no additional persons from the audience requesting to speak, Commissioner Lloyd closed public comment.

Commissioner Garcia-Nakata moved to approve Proposed Budget II for the Street Artists Program for Fiscal Year 2009-10 and corresponding proposed Street Artist Certificate fee increase for Fiscal Year 2009-10 with the provision for increased expense for the Advisory Committee and the caveat that the Commission look toward improving the Program's services within its resources. The motion was seconded by Commissioner Melania.

Commissioner Lloyd affirmed that the corresponding annual certificate fee for the budget would be $607.64.

The following vote was taken:

Yes	No
Commissioner Garcia-Nakata	Commissioner Delaney
Commissioner Melania	Commissioner Lloyd

At the request of Commissioner Lloyd, Program Director Lazar explained the process involved in soliciting candidates for referral to the Mayor for appointment to the voter-mandated Advisory Committee of Street Artists and Crafts Examiners. He also described the required qualifications of such candidates.

Commissioner Lloyd moved to amend the motion to include the following: the proposed budget to include expense for a fifth member of the Advisory Committee should a fifth member be required (the Commissioner expressed that the member be selected by the start of the new budget); a financial review of the Program by the time the new budget commences; and a policy restricting certificate fee payment to checks or money orders, rather than cash. The motion was seconded by Commissioner Melania.

With the assistance of Director Cancel, the Commissioners reviewed the entire motion as follows:

Motion to approve Proposed Budget II for the Street Artists Program budget for Fiscal Year 2009-10 and corresponding proposed Street Artist Certificate fee increase for Fiscal year 2009-10 with the caveats that if the Advisory Committee of Street Artists and Crafts Examiners is required to have five (5) members, the fifth member be included and its associated expenses be reflected in the budget, that the Program be restricted to receiving certificate fee payments in the form of checks or money orders and not cash, and that the Arts Commission ask the Controller's office to conduct a financial review of the Street Artists Program.

The motion was unanimously approved.

4. **New business/Public comment.**

Street Artist Bill Clark stated that the caveat restricting certificate fee payments to checks or money orders should be rescinded from the final motion of agenda item 3 because it should be noticed on an agenda to allow for the public to speak on the issue.

Commissioner Melania moved to amend the previous motion by deleting from the motion the "caveat" which restricts certificate fee payments to checks or money orders and not cash.

The motion was seconded by Commissioner Garcia-Nakata and unanimously approved.

Commissioner Lloyd stated that the issue of restricting certificate fee payments to checks or money orders would be placed on the agenda of the next Street Artists Committee meeting.

Commissioner Delaney stated that she was concerned over observing Program Director Lazar write by hand notes on the meeting, whereas if someone was writing with a laptop computer, the notes would immediately be fed to the Internet. Someone, she said, would not have to be paid to listen to the audiotape of the meeting in order to draft the minutes.

Street Artist Michael Addario stated that he was speaking for himself and not for the "Steering Committee" and that he requested calendaring "a discussion and motion to assist the artists in creating a nonprofit and to move the duties and responsibilities of the Program from the Arts Commission to this new created nonprofit where the artists would be on the board." He said he agreed with Commissioner Delaney, and that the certificate fee would continue to rise to probably $1,000 in four years. He went on to say that it [street artist selling] "is supposed to be a

First Amendment right."

Commissioner Garcia-Nakata stated that the "Steering Committee" should investigate whether the majority of artists are in favor of the nonprofit proposal and, if they are, it could be calendared.

Commissioner Lloyd clarified that the proposal would require a ballot measure.

Street Artist Maria Hillius stated that a petition should be circulated among the artists to see if the majority agree with the proposal before requesting that it be calendared.

There being neither further new business nor public comment,
Commissioner Lloyd adjourned the meeting at 4:46 p.m.

Respectfully submitted:

Howard Lazar
Street Artists Program Director

January 28, 2009

Meeting Information

GOVERNMENT DOCUMENTS DEPT
FEB 21 2014
SAN FRANCISCO PUBLIC LIBRARY

STREET ARTISTS COMMITTEE
Wednesday, March 11, 2009
3:00 p.m.
25 Van Ness Avenue, Suite 70

Agenda

1. ***Action.*** **Hearing and possible motion to approve issuance or renewal of certificate.**

   Michael Hanley - Certificate #5735. Alleged violation: Improper, hazardous conduct of business: (1) Intimidating and bullying a street artist (August 21, 2008); (2) Smoking in Justin Herman Plaza, a non-smoking area (November 15 and December 23, 2008); (3) Disrupting other artists' businesses by setting up an umbrella which blocked customers' view of other artists' displays (November 15, 2008); (4) Verbally antagonizing and confronting other artists in a hostile manner (November 15, 2008); (5) Selling without a valid Board of Equalization Seller's Permit (ongoing); (6) Selling without a valid San Francisco Business Tax Registration (ongoing).

2. ***Action.*** **Hearing and possible motion to approve authorization of Program Director to request Board of Supervisors for permanent designation of nine (9) street artist selling spaces for weekend usage on the north side of Market Street at the intersection of Steuart Street.**

   [In Resolution No. 359-08, approved by the Mayor on August 7, 2008, the Board of Supervisors approved designation for six (6) months of nine (9) temporary selling spaces for weekend usage on Market Street, north side, at Steuart Street, exempted said spaces from the regulations of Police Code Section 2405 relating to street artist display size and bus zone, and provided said spaces to be subject to Board of Supervisors review.]

3. ***Action.*** **Hearing and possible motion to approve policy of receiving application and certificate fee payments in the form of checks or money orders only (no cash).**

4. ***Action.*** **Hearing and possible motion to reduce wasteful usage of lottery supplies by rescinding procedure which allows street artists to enter into the space-assignment lotteries the names of street artists not present at the lotteries.**

   [On July 1, 2002, the Arts Commission adopted a "continuation of amended lottery procedures" which allows street artists to enter into the lotteries names of street artists not present at the lotteries.]

5. ***Action.*** **Hearing and possible motion to authorize Program Director to select and make honorarium payment to qualified street artists for assisting Program Director in painting markings of spaces in street artist selling areas.**

6. ***Discussion.*** **Street Artists Program Director's report.**

7. ***Discussion.*** **Steering Committee's report.**

8. ***Discussion.*** **New business.**

9. **Adjournment.**

February 12, 2009

Notices

Explanatory documents are available for public inspection and copying at the Arts Commission office, 25 Van Ness Ave, Suite 240, San Francisco CA 94102 during regular business hours. Tel: INFO: (Howard Lazar 415-252-2583).

Public comment in regard to specific items will be taken before or during consideration of the item.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (San Francisco Campaign and Governmental Conduct Code sections 2.100 - 2.160) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 25 Van Ness, Suite 220, San Francisco, CA 94102, telephone (415) 252-3100, fax (415) 252-3112 and web site.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decision in full view of the public. Commission's, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, contact Frank Darby by mail to Administrator, Sunshine Ordinance Task Force, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by email at **sotf@sfgov.org** .

Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, **http://www.sfgov.org/sunshine/**

Meeting Information

STREET ARTISTS COMMITTEE

Wednesday, March 11, 2009
3:00 p.m.
25 Van Ness Avenue, Suite 70

MINUTES

GOVERNMENT
DOCUMENTS DEPT

FEB 21 2015

SAN FRANCISCO
PUBLIC LIBRARY

Members present: Commissioners Alexander Lloyd, Chair, John Calloway, Lorraine Garcia-Nakata, Sherene Melania

Members absent: Topher Delaney

Staff present: Street Artists Program Director Howard Lazar, Program Assistant Evelyn Russell

Commissioner Lloyd, Chair, called the meeting to order at 3:07 p.m.

1. *Action*. **Hearing and possible motion to approve issuance or renewal of certificate.**

Michael Hanley – Certificate #5735. Alleged violation: Improper, hazardous conduct of business: (1) Intimidating and bullying a street artist (August 21, 2008); (2) Smoking in Justin Herman Plaza, a non-smoking area (November 15 and December 23, 2008); (3) Disrupting other artists' businesses by setting up a tent which blocked customers' view of other artists' displays (November 15, 2008); (4) Verbally antagonizing and confronting other artists in a hostile manner (November 15, 2008); (5) Selling without a valid Board of Equalization Seller's Permit (ongoing); (6) Selling without a valid San Francisco Business Tax Registration (ongoing).

At the request of street artist Sureyya Ozsoy, Street Artists Program Director Howard Lazar read aloud a March 3, 2009 letter from Ms. Ozsoy formally withdrawing her complaint against Mr. Hanley regarding his alleged intimidation and bullying of her on August 21, 2008 *(item (1) of the above alleged violation of improper, hazardous conduct of business)*. In deference to Ms. Ozsoy's request, Mr. Lazar stated his withdrawal of the charge.

The Commissioners acknowledged the withdrawal of Ms. Ozsoy's complaint and went on to hear the other charges against Mr. Hanley regarding alleged incidents of November 15 and December 23, 2008 at Justin Herman Plaza.

Mr. Lazar clarified the existence of ad hoc "rules," adopted exclusively by street artists, regarding the usage of tents and umbrellas at the artists' displays at Justin Herman Plaza. He stressed that the Arts Commission has no power of enforcement over an artist's non-adherence to such voluntary ad hoc "rules," but it does have the authority to suspend, revoke, or refuse to renew, the certificate of an artist who is found to have conducted business in an improper, hazardous or disorderly manner. While complainants were charging Mr. Hanley for refusal—*hostile* refusal—to remove his tent which allegedly blocked customers' view of other artists' displays, the staff's charge against him, however, was for his alleged improper, hazardous conduct of business.

In response to a question by Commissioner Lloyd, Mr. Lazar stated that this was the first time that Mr. Hanley has appeared before the Street Artists Committee to respond to charges against him.

The Program Director referred the Commissioners to the letters he had forwarded to them which had been written by street artists for and against Mr. Hanley, as well as a letter he himself had written to Mr. Hanley summarizing the Program Director's two-month investigation of the matter and the reasons for the charges levied against Hanley.

Commissioner Lloyd acknowledged having received these documents and stated that the Commissioners were prepared to hear the case and to attempt to reach a fair decision.

The Program Director stated that Mr. Hanley would be deprived of the opportunity to cross-examine complainants who failed to appear to testify and therefore requested that the Commissioners, in fairness to Mr. Hanley, not consider as evidence the letters written by such persons.

While the Program Director had received and forwarded to the Commissioners letters from seven street artists complaining about the alleged November 15th incident involving Michael Hanley, only three of the street artists who had written appeared and testified against Mr. Hanley: Susan Koenig, Oscar Bevilacqua, and Michael Addario. However, six artists appeared and testified to the incident on Mr. Hanley's behalf: Allen Frost, William Cassou, Michael Johnson, John Thomey, Madeline Marrow, and Michael Hanley himself. Four of these six—Allen Frost, William Cassou, Michael Johnson, and Michael Hanley—had previously submitted supportive letters to the Program Director who, in turn, had forwarded them to the Commissioners.

Speaking against Mr. Hanley, Street Artist Susan Koenig acknowledged having written and submitted two letters regarding the November 15th incident. She described the area, known by the artists as "the island," in which Mr. Hanley had set up his tent as an area which has the potential to block a customer's view of artists' displays behind the area. When she asked Mr. Hanley politely to remove the tent, she stated, he immediately became very hostile toward her and refused to take down his tent because, he said, everyone else was allowed to put up tents with walls. She informed street artist Gary Freed (ad hoc "market manager") of Mr. Hanley's refusal and then returned to her booth. From that vantage point, she later viewed Mr. Freed speaking to Hanley; she could not hear what Freed said but could hear Hanley who was raising his voice and was behaving emotionally. Mr.

Freed, she said, left and returned a half hour later with some other artists. Still in her booth, she viewed Freed and Michael Addario request Hanley to take down his tent. She also stated that street artist Hal Wahlborg later spoke with Hanley who again refused to remove the tent. She added that Hanley could have selected a different location in the Plaza in which to sell.

Ms. Koenig stated that there are over a hundred artists who sell at the Plaza on Saturdays and who are obliged to be considerate of each other; in contrast, Mr. Hanley provoked the situation. She stated that, in the course of the incident, there were no customers at Hanley's booth.

Addressing one of her other charges against him, Ms. Koenig stated that she witnessed Mr. Hanley smoking a cigarette at his booth on November 15th and also on December 23rd near the Plaza toilets. There exists, she said, a "No Smoking" sign at the Plaza, and there is the potential for her handmade felted hats to absorb the smell of smoke.

Street Artist Oscar Bevilacqua stated that, on the day of the incident, he requested Mr. Hanley to remove his tent. Hanley refused and informed him that he had a medical condition which necessitated him selling under a tent and that he had informed Gary Freed of this also. Subsequently, four or five other artists requested Hanley to dismantle the tent, and he finally did so.

In response to questions by Commissioners Calloway and Melania, Program Director Lazar explained that the "prohibition" of canopies or tents with walls in the area in which Mr. Hanley had placed his tent was an ad hoc agreement among the artists of Justin Herman Plaza. He further commented that the police have traditionally allowed street artists, as a matter of personal protection and protection of merchandise, to use umbrellas so long as no signage or merchandise is attached to the umbrellas.

Street Artist Michael Addario stated that the prohibition of canopies and panels was "the law." On November 15th, he said, after Oscar Bevilacqua informed him that Mr. Hanley had a canopy up in the prohibited area, he volunteered to approach Hanley with Gary Freed. Mr. Freed said that he had instructed Hanley, when he was signing in for his space, to not place a canopy there, but Hanley did not comply. Mr. Addario stressed that Hanley was told not to do it and that he admitted in his letter (to the Program Director) that he was told not to do it.

Mr. Addario went on to state that he did not wish to give the impression that this was one isolated incident of complaint against Mr. Hanley. He said this was one of eight or nine complaints against, and warnings issued to, Hanley. Mr. Addario accused Program Director Lazar of not prosecuting the case properly by failing to mention the other complaints and warnings. He asked that the Commissioners not look at the present complaint as "frivolous," because it was not.

Mr. Addario stated that Gary Freed and he spoke with Hanley, that he, Mr. Addario, asked him if he could help take down the tent, that Hanley refused and said he was waiting for his wife Norma to return, that he was holding onto his canopy at the time, that it was ten o'clock in the morning and that there were no customers present. At that point Hanley informed Freed and Addario that he had a medical condition which would not allow him to be in direct sunlight, and that once the sun would be blocked by the building, he would take down the canopy. Freed and Addario left.

Mr. Addario stated that this could have been the conclusion of the incident were it not for Hanley then charging Addario and the other artists with disrupting his business. It was at this point that the artists lodged their complaints. Therefore, he said, it was Hanley who was the one who initiated the whole affair.

Mr. Addario stated that he intended to speak, under public comment, about other incidents of "abuse, hostile, harassing behavior that Mike Hanley has done to other street artists." Mr. Addario went on to complain that the other artists and he were forfeiting their income by having to speak at the hearing.

Commissioner Calloway clarified to Mr. Addario that Addario's reference to the artists' prohibition of canopies and panels as being "a law" was, in fact, *not* a law.

Mr. Addario responded that the artists' use of Justin Herman Plaza represented "a gray area" because the Plaza was approved by the Board of Supervisors but not approved by the Recreation andPark Department. The prohibition against canopies and tents in a certain location of the Plaza, he said, was similar to the artists' adoption of ten feet by ten feet as the size for the artists' spaces at the Plaza, "which is technically not legal" but is used in this "gray area."

Commissioners Calloway and Garcia-Nakata affirmed, for the record, that Mr. Addario's usage of the term "the law" in reference to the artists' prohibition of canopies and tents meant, in truth, a verbal agreement among the artists.

Speaking in support of Mr. Hanley, Street Artist Allen Frost stated that he had been a San Francisco street artist at the start of the Street Artists Program (1972) when the only area which was designated for the artists was Justin Herman Plaza. With regard to the incident of November 15th, he witnessed most of the event. He saw Gary Freed initially speak to Mr. Hanley about the tent and Hanley explain that he bad to take medicine which required him to stay out of direct sunlight. He saw Freed begrudgingly say to him, "Okay, as long as you take it down when the shade comes." Half an hour or forty-five minutes later "a whole crew of people came over, and they were intimidating. If they had come on me, I would have acted the same way because they were aggressive and intimidating"; their approach to Hanley was as if they were saying to him, "We are here to see that you take that down."

Mr. Frost went on to say that Michael Addario "has a vendetta" and told Frost many times that "Mike Hanley does not belong in the Program, and he'll see to it that he's out of it."

In response to questions from Commissioner Lloyd, Mr. Frost stated that Hanley took down the tent when the area became shaded, and that his tent had been up only until 11:00 a.m.

Mr. Frost added that there was also another Plaza section, called the "Third Row," which is similar to Hanley's location; yet the artists in that area are never forced to take down their tents when they block the view of the other two rows. Therefore, the artists' "rule," he said, was unfair.

Addressing the charge against Mr. Hanley of smoking, Mr. Frost stated that Hanley was being singled out as an example, while there are many artists who smoke and walk around the Plaza every day.

Street Artist William Cassou stated that, on the day of the incident, he was a neighbor to Mr. Hanley's location. Hanley had come to him to ask if it would be all right if he put up his tent because he had a medical condition which necessitated his being in shade. Mr. Casson said that he did not mind. He saw that Hanley "did not look too good, that something was bothering him."

Mr. Cassou went on to state that Hanley's was not the only canopy that was up on "the island" that day; the other one belonged to an elderly Asian artist named Frank who also wanted to be out of the sun for health reasons. Frank took down his canopy at the same time that Hanley took his down. Hanley and Frank, he said, were handling the situation well; "it was just a question of authority, that people didn't like them stepping over their authority."

Mr. Cassou asked many artists if they ever voted on the "rule" prohibiting canopies and tents in the area, and he was told that there had never been a vote, that it was only an agreement made by those artists who had been present in earlier days.

Street Artist Michael Johnson stated that he was working about twenty-five feet away from Mr. Hanley's location. By 9:30 a.m., seeing that Hanley had his canopy set up, Mr. Johnson informed him that he was not permitted to have his canopy in that location. He and Hanley discussed the issue—Mr. Johnson stated that "at no time was it really a strong conversation" nor a heated one—and Hanley told him about his medical issue. He also told Johnson that there were so many people who break the rules regarding display size, etc., "and he felt that he was being singled out" by Gary

Freed, who was the manager of the group, because Freed would not speak to those people about their breaking of the rules. This, he said, engendered many problems like the Hanley incident because Freed would "pick and choose who he would go after about certain things."

Mr. Johnson went on to say that, prior to the incident, there was a similar issue of a photographer named Bo who set up panels in the same area; even though Mr. Johnson asked Gary Freed to speak to Bo about it, Freed refrained from doing so.

After his discussion with Mr. Hanley, Mr. Johnson later saw a group of roughly seven artists—Michael Addario, Gary Freed, Erin Cowan, Oscar Bevilacqua, and others—have an interaction with Hanley. He himself approached to get a closer view: "I wouldn't call it particularly antagonistic, but still Mike was adamant" that he would not take down the tent. When Johnson returned to his display, he could still see the interaction but not hear it because "it wasn't that loud." Eventually, Hanley took down the tent.

Mr. Johnson said the prohibition against tents and canopies in that location is not a law, that it was a "gentleman's agreement" voted on by the group, even though he himself did not vote for it because he felt it was prejudicial against certain people who, like himself, require panels to show their work. Furthermore, he said, it did not matter if a canopy on "the island" blocked the view of other artists' displays behind it because customers freely walk around the perimeter and see all the artists.

Mr. Johnson added that, because the tent prohibition was not a legally binding rule, he did not feel that the issue of Hanley's tent was within the purview of the Arts Commission. An artist's interaction with others, however, an artist acting in a hostile manner, was definitely within the Commission's purview—but Mr. Johnson was set up near Hanley and did not see Hanley acting in a hostile manner.

Street Artist John Thomey stated that, in space Number 9, he had a direct view of what transpired between Mr. Hanley and the group of six to eight artists: "They approached Mike as a large group" which would "set anybody on the defensive. Mike didn't seem like he was getting aggressive like he could have in this situation." Mr. Thomey perceived the group of artists as "people in the attack mode, trying to gang up on Mike." He added that Hanley took down his tent within five minutes after the direct sunlight disappeared, and that he only had the tent up for a short period of time.

Street Artist Madeline Marrow stated that on the day of the incident Mr. Hanley required shade because he had been taking tetracycline, and that he took down his tent as soon as the direct sunlight disappeared.

At the conclusion of witness testimony, Commissioner Lloyd called on Michael Hanley.

Mr. Hanley, addressing the charges against him of allegedly selling without valid Seller's Permit and Business Tax Registration, produced current documents of a Seller's Permit from the California Board of Equalization and Business Tax Registration from the San Francisco Tax Collector. He stated that while his previous Seller's Permit had been listed under the name of "Cindy Greaney," a former family unit member with his wife Norma, it was he, Michael Hanley, who regularly sent the State sales tax money his wife and be collected; and representatives of the Board of Equalization actually told him that it did not matter whose name the Seller's Permit was under, that the permit was inclusive so long as the sales tax due was sent to the State. He also received the same clarification from the office of the San Francisco Tax Collector.

With regard to the November 15th incident, Mr. Hanley stated that, whenever be sold in the same location prior to that day, be would never put up his canopy; he put it up on the 15th because he was on the last day of a seven-day period of taking an antibiotic which required him to be out of direct sunlight. He dismantled the canopy as soon as the direct sunlight disappeared.

But prior to dismantling it, he said, he was aggressively approached by the group of artists who were acting like "a posse." He said that be was told: "We're here to make sure your canopy comes down." The reason why Gary Freed and Michael Addario left bim, be said, was because be threatened to call the police on them.

Mr. Hanley went on to say that the group of artists disrupted bis business, that prejudice against him fueled the canopy issue, that Susan Koenig actually screamed at him, and that the artists' complaint was a personal attack on bim from Micbael Addario. This was evidenced by the fact that, when Gary Freed initially discussed the canopy issue with bim, their discussion concluded with Freed telling him, "Okay, so long as you take it down"; but Freed later altered bis demeanor by returning "with a group bostile to me."

With regard to the "rule" about tents and canopies, Mr. Hanley stated that the artists' vote was conducted in only one day, rather than over a protracted period of time as is usually done to ensure a wide participation of artists. On the day of the vote, he himself was not present.

Mr. Lazar informed the Commissioners that, pertinent to the present bearing, be had issued a written warning to Mr. Hanley on February 9, 2007, for bis allegedly intimidating and bullying two street artists.

Commissioner Lloyd called for public comment.

Street Artist Luis Santoro stated that Micbael Hanley is "a bully," and that he (Mr. Santoro) had submitted a complaint against Hanley to the Program Director but had not been able to find a witness to support the complaint. Instead, Alan Frost had stepped in to support Hanley. Mr. Santoro also had to call the police about Hanley's dog. Hanley, being a bully, did not deserve to be in the Street Artists Program, Mr. Santoro said.

Street Artist Dikran Knoble stated that he was assaulted by Michael Hanley at the Plaza, and that Hanley "laid me on my back." He was then told, be said, that the incident was not within the jurisdiction of the Arts Commission.

Street Artist Michael Addario read aloud a list of warnings and their dates that were issued to Michael Hanley and said that this contributed to a preponderance of evidence against Hanley. He went on to say that Hanley has never offered any apology for his behavior. He asked that the Commissioners put a stop to any further barassment by Hanley by revoking his certificate.

Street Artist Leah Mazor stated that if an artist's alleged blocking of the view of another artist's display is the issue, the Commissioners will be bearing many complaints by artists against each other. She saw no difference between Hanley's having a canopy and a row of three or four artists' umbrellas. She went on to say that a street artist named Bo has set up panels on "the island" on Saturdays and Sundays, and she bas never seen Michael Addario approach or "attack" bim on the matter. With regard to the complaint against Hanley's smoking, Ms. Mazor stated that there was not a "No Smoking" sign at the Plaza.

Street Artist Kathleen Hallinan stated that sbe likes to see a group of artists, rather than an individual, confront a problematic street artist, because then there are witnesses.

Street Artist Virginia Travers questioned wby Mr. Hanley chose the particular location when be knew he had a medical condition, especially since be had the entire Plaza area from which to choose. She also stated that there was an incident in wbich Hanley pushed Dikran Knoble.

Street Artist James Ruark stated that be has never seen Michael Hanley do anything but tend to his business. When Mr. Ruark beard about the incident of the canopy, he asked Gary Freed for details, but Freed replied that Hanley did not deserve to be at the Plaza. Ruark countered with a comment that Hanley is a wounded Vietnam veteran who deserves to be at the Plaza.

Street Artist Kye Rorie stated that he was selling as a street artist long before this was done by anyone else present at the bearing and bas, therefore, witnessed much of the Program's history. He commended Program Director Lazar for his thoroughness and fairness in bandling street artist complaints. Observing that there was a multiplicity of incidents, Mr. Rorie advised the Commissioners that they should not "let people rough other people up; you can't be nice guys all the time ... and let things continue."

Upon the conclusion of public comment, the Commissioners discussed the case. An equal amount of testimony for and against the defendant was assessed. The Commissioners urged Program Director Lazar to work with the artists in drafting guidelines for Justin Herman Plaza.

Commissioner Lloyd moved that a finding be made of no violation, that the charges against Michael Hanley be dismissed, and that his certificate be renewed; the motion was seconded by Commissioner Melania and unanimously approved.

2. *Action.* **Hearing and possible motion to approve authorization of Program Director to request Board of Supervisors for permanent designation of nine (9) street artist selling spaces for weekend usage on the north side of Market Street at the intersection of Steuart Street.**

Program Director Lazar explained that, in Resolution No. 359-08, approved by the Mayor on August 7, 2008, the Board of Supervisors designated for six months street artist weekend usage of nine temporary selling spaces on Market Street, north side, at Steuart Street, and exempted the spaces from the regulations of Police Code Section 2405 relating to display size and bus zone. Furthermore, the resolution provided for future review of the spaces by the Board. Now that the six months had elapsed, Mr. Lazar, on behalf of the artists, was asking for authorization to request the Board to designate the nine spaces on a permanent basis.

Commissioner Garcia-Nakata moved that the Program Director be authorized to request the Board of Supervisors for permanent designation of the nine street artist selling spaces provided in Resolution No. 359-08 for weekend usage on the north side of Market Street at the intersection of Steuart Street; the motion was seconded by Commissioner Melania and unanimously approved.

3. **Street Artists Program Director's report.**

Passing of street artists. Mr. Lazar reported on the recent passing of **Joong Kim** who had been certified by the Arts Commission as a street artist for four and a half years from June 24, 2004 to December 26, 2008. Mr. Kim's arts and crafts were beadcraft and calligraphy.

Mr. Lazar reported on the recent passing of **Willie Cheng** who had been certified by the Arts Commission as a street artist for twenty-nine years, from September 20, 1979 to October 7, 2008. Mr. Cheng's art and craft was beadcraft.

Radio feature story on Street Artists Program. Mr. Lazar reported that he had been approached by Ms. Hana Baba, co-host of KALW Public Radio's "Crosscurrents" show, to do a feature on the Arts Commission's Street Artists Program. While he was being interviewed, he urged her to visit the street artists to obtain various viewpoints of their Program. The show, aired during prime time on Thursday, February 26th, included interviews with street artists **Joanne Fitzsimmons** and **Ron Menninga** at Justin Herman Plaza.

Proposal for street artists to sell in vacant storefronts. Director of Cultural Affairs Luis Cancel had asked Mr. Lazar to inform street artists that the City is looking for a way to help facilitate usage of empty storefronts—notably, in the Tenderloin and the North Beach areas—and to see if street artists would be interested in participating in this. It would be free space in which to exhibit and sell their wares. Mr. Lazar stated that he was in the process of requesting the Lottery Committee members and other artists to announce this at the lotteries and to have interested artists contact him.

Call for election of members to street artist "Steering Committee." Mr. Lazar requested that the next (May) agenda of the Street Artist Committee include a possible motion to have an election among the street artists for members to serve on the artists' ad hoc "Steering Committee."

"In-house" electronic production of certificates. Mr. Lazar reported that Program Assistant Evelyn Russell developed a significant cost-saving process of producing street artist certificates by her desktop computer. Without the introduction of a costly new electronic system (as had been discussed in a previous Street Artists Committee hearing), Ms. Russell, using Adobe, is able to enter into her computer and print onto certificate card stock all required street artist information (name, arts/crafts, expiration date, artist's photo); she is then able to laminate the cards through the Program's laminating machine (as the Program has been doing since 1977). The only additional costs to the Program would be for ink cartridges and perforated card stock. If the artists' photos were to be printed in color, Mr. Lazar estimated that the cost of the color ink cartridges would exceed by over $1,000 next year's $862 budget for materials and supplies; whereas, if the photos were printed in black and white, the entire production of the cards would fall within the budget.

Mr. Lazar showed to the Committee samples of cards which Ms. Russell had produced. The Commissioners expressed enthusiasm over the samples and complimented Ms. Russell on the quality of her work. Commissioner Lloyd requested Mr. Lazar to implement the new process for next year's budget and, in keeping with budgetary restrictions, to issue black-and-white certificates.

4. **Continuation of items.**

Commissioner Lloyd stated that the following items would be continued to the Committee's next agenda in May: (a) Hearing and possible motion to approve policy of receiving application and certificate fee payments in the form of checks or money orders only (no cash); (b) Hearing and possible motion to reduce wasteful usage of lottery supplies by rescinding procedure which allows street artists to enter into the space-assignment lotteries the names of street artists not present at the lotteries; (c) Hearing and possible motion to authorize Program Director to select and make honorarium payment to qualified street artists for assisting Program Director in painting markings of spaces in street artist selling areas; and (d) street artist Steering Committee's report.

5. **Public Comment/New Business.**

Street Artist Michael Addario requested that each Commissioner of the Street Artists Committee receive a hardcopy of the Program's "bluebook" handbook of rules and procedures. He then read aloud a list of guidelines and penalties adopted by the Ferry Plaza Farmers Market. He criticized the Commissioners for citing a lack of evidence and refraining to take action on cases submitted to them by street artists.

Mr. Addario asked for a hearing to consider downsizing the Program's staff by moving the Program's licensing duties to a City Hall agency.

There being neither further new business nor public comment,
Commissioner Lloyd adjourned the meeting at 5:15 p.m.

Respectfully submitted:

Howard Lazar
Street Artists Program Director

Meeting Information

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STREET ARTISTS COMMITTEE

NOTE: New meeting date for this meeting

Wednesday, May 6, 2009
3:00 p.m.
25 Van Ness Avenue, Suite 70

Agenda

1. ***Action.*** **Hearing and possible motion to approve policy of receiving application and certificate fee payments in the form of checks or money orders only (no cash).**

2. ***Action.*** **Hearing and possible motion to approve authorization of Program Director to request Board of Supervisors for temporary designation of street artist selling spaces on 17th Street, north side, at Castro and Market Streets, as part of a "mini-plaza" proposed by the Castro Upper Market Benefit Community District.**

3. ***Action.*** **Hearing and possible motion to reduce wasteful usage of lottery supplies by rescinding procedure which allows street artists to enter into the space-assignment lotteries the names of street artists not present at the lotteries.**

   [On July 1, 2002, the Arts Commission adopted a "continuation of amended lottery procedures" which allows street artists to enter into the lotteries names of street artists not present at the lotteries.]

4. ***Discussion.*** **Street Artists Program Director's Report.**

5. ***Discussion.*** **Street Artists Liaison Committee's Report.**

6. ***Discussion.*** **New Business/Public Comment.**

7. **Adjournment.**

April 29, 2009

Notices
Explanatory documents are available for public inspection and copying at the Arts Commission office, 25 Van Ness Ave, Suite 240, San Francisco CA 94102 during regular business hours. Tel: INFO: (Howard Lazar 415-252-2583).

Public comment in regard to specific items will be taken before or during consideration of the item.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

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Meeting Information

STREET ARTISTS COMMITTEE

Wednesday, May 6, 2009
3:00 p.m.
25 Van Ness Avenue, Suite 70

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MINUTES

Members present: Commissioners Alexander Lloyd, Chair, Amy Chuang, Topher Delaney, Sherene Melania

Members absent: John Calloway

Staff present: Director of Cultural Affairs Luis Cancel, Street Artists Program Director Howard Lazar, Program Assistant Evelyn Russell

Commissioner Lloyd, Chair, called the meeting to order at 3:09 p.m. and welcomed Commissioner Amy Chuang to the Committee.

1. *Action.* **Hearing and possible motion to approve policy of receiving application and certificate fee payments in the form of checks or money orders only (no cash).**

   Street Artists Program Director Howard Lazar explained that, during all of the thirty-seven years of the Street Artists Program, the payment of fees has always been allowed in the form of cash, check, or money order. However, after an incident of a theft of $400 cash in street artist fees from the Program office, the staff now considered it necessary to recommend that fee payments be in the form of checks or money orders only.

   In response to questions from Commissioner Lloyd, Mr. Lazar stated that the Program office is housed in an unguarded open-area suite, and that this is in contrast with the offices of the Tax Collector and Controller whose tellers enjoy the security of reinforced collection windows and City Hall armed guard service.

   Director of Cultural Affairs Luis Cancel recommended that cash not be kept on the Arts Commission's premises; he stated that there is an improved collection system when a transaction is made in the form of a check, leaving a better paper trail in conjunction with the receipt given an artist.

   Both Mr. Cancel and Mr. Lazar affirmed that it would not be difficult for an artist to obtain a money order if he or she does not have a checking account.

   Commissioner Lloyd called for public comment.

   Street Artist William Clark opposed the recommendation for the collection of fees in the form of check or money order only. He handed Commissioner Lloyd a ten-dollar bill and read aloud the wording on the bill's face: "THIS NOTE IS LEGAL TENDER FOR ALL DEBTS, PUBLIC AND PRIVATE". He asserted that cash is legal tender. Reading aloud various definitions of "legal tender" from a legal dictionary and from federal law (US Code Title 31,5103), Mr. Clark then stated that he felt the Commission would be prohibited by federal law to accept payment only in the form of non-cash.

   He read aloud a passage of Section 5 of the voter-mandated Street Artists Ordinance which states: "... upon payment of the certificate fee fixed by this ordinance, the Executive Director of the Art Commission shall issue a certificate ..." Mr. Clark stated that the section did not provide "upon payment of the fee by check" which, he said, would require a ballot amendment.

   Mr. Clark cited San Francisco Administrative Code Section 10.11-1 as authorizing the Arts Commission to accept credit cards and debit cards for the payment of street artist fees. He requested that the proposal now under consideration be amended to allow street artists to pay their fees by cash, check, money order, credit card, or debit card, and that it be continued for further discussion.

   Mr. Clark presented a copy of an Arts Commission letter of 1976 which announced that street artists were henceforth to pay their fees in cash because, prior to this, the Commission had been experiencing a problem of returned street artist checks. He further stated that it was his understanding that the Program loses additional money when a check is returned, because the Controller deducts a fee from the street artist fund which is then left to the Street Artists Program to recover. If a non-cash policy were to be adopted, he said, the Program would inevitably incur more returned checks which would cost the Program more in the long run.

   Street Artist Michael Addario read aloud from a prepared statement which accused the Program staff of "poor fiscal control of" the artists' "revenue and an apparent attempt to hide" from the artists a theft of $400 from the Program office in 2007. His statement also accused the Arts Commission's accountant of not being aware of the theft "until recently", accused the Program staff of leaving an artist's fee payment in the artist's file and forgetting about it, and accused the Arts Commission and its Street Artists Program of not having a system of reconciling

fee receipts with bank deposit slips. Furthermore, the building which houses the Program office was not secure. He urged that the first step toward fiscal responsibility would be to not allow staff to handle cash.

Street Artist Robert Clark stated that he was opposed to the proposal which he considered the "most absurd thing" that he has ever heard in his thirty-seven years of attending street artist meetings. He questioned the validity of being told that, as an American citizen, his "hard-earned cash that he worked hard to get" would no longer be accepted by a governmental agency when he renews his street artist certificate. He asked that the proposal be amended to provide for payment to be made by cash, check, money order, credit card, or debit card.

In response to a question by Commissioner Lloyd, Director Cancel stated that it would be possible for the Program to go to the expense of establishing and maintaining credit card and debit card capability, but the expense would then have to be levied on the street artists who choose to pay by such methods.

Program Assistant Evelyn Russell stated that her office has a locked cash box, and that immediately after the loss of the money, she initiated a system of documenting the denominations of currency submitted by artists in paying for their fees, and there has been no further incident of lost money. She showed the Commissioners a sample of such documents. She questioned Mr. Addario's assertion about a fee payment left in an artist's file.

In response to a question by Commissioner Delaney regarding the Program's bookkeeping, Program Director Lazar stated that the Arts Commission's accountant is always apprised of the Program's deposits, and that the Program's accounting system is the City's system. The Program Director prepares both the deposit and a deposit sheet which matches the amounts listed on the invoices with the fees being deposited, as well as a detailed breakdown of all currency and checks. The deposit sheets are reviewed by the Commission's accounting staff and the Controller's staff. This has been done since the Program's commencement in 1972 – and is evidenced by all of the deposit sheets archived by the Program Director since 1972.

In response to a question by Commissioner Delaney, Director of Cultural Affairs Cancel stated that, while computers keep track of the Program's revenue and expenditures, the issue at hand was that the transaction itself is not an electronic transaction but a physical transaction, either by check or cash; and that its processing generates paperwork which is then submitted to the accounting staff who enter the information into the computerized system. Mr. Cancel added that, from his perspective and experience in running organizations, he wanted to discourage the use of cash handling on the premises for security reasons.

Commissioner Delaney stated the Committee should be respectful of Mr. Cancel's decisions in running the organization. She further assessed that improvements in handling the fees had been made since the incident of the lost money, that it was time to let go as "old business" any complaints about the incident and to commend Ms. Russell for improving the handling of fees.

Commissioner Lloyd asked Mr. Lazar to investigate the practicability and expense of processing credit and debit cards for fee payments. In the meantime, he felt the present system of accepting payments by cash, check or money order be retained.

Commissioner Delaney disagreed and moved to approve a policy of receiving application and certificate fee payments in the form of checks or money orders only and not in the form of cash; the motion was seconded by Commissioner Melania. The following vote was taken: Yes – Delaney, Melania, Chuang; No – Lloyd. The motion was approved.

2. *Action.* **Hearing and possible motion to approve authorization of Program Director to request Board of Supervisors for temporary designation of street artist selling spaces on 17th Street, north side, at Castro and Market Streets, as part of a "mini-plaza" proposed by the Castro Upper Market Benefit Community District.**

Street Artists Program Director Lazar referred the Commissioners to information he had sent them relative to the proposed creation of a temporary "mini-plaza" at the eastern end of the intersection of 17th Street, Castro Street, and Market Street. The proposal was initiated by the Castro Upper Market Benefit Community District and is endorsed by the Mayor in keeping with his office's plans to make areas of the city more pedestrian-friendly. Ms. Andrea Aiello, Executive Director of the Castro Upper Market Community District, approached the Mayor's office to obtain street artists to sell in the "mini-plaza"; the Mayor's office referred her to Mr. Lazar. A meeting was arranged, Ms. Aiello and Mr. Lazar surveyed a proposed area in the "mini-plaza" for street artists, and Mr. Lazar drew to scale a map showing the placement of a possible five regular-sized (4' x 3') street artist spaces which he then forwarded to the Commissioners.

Mr. Lazar described the placement of the proposed street artist spaces as being restricted to the north side of 17th Street, adjacent to the Chevron service station, and in keeping with public safety regulations and certain emergency considerations.

Commissioner Lloyd commented that the Arts Commission had already heard a proposal for a public art piece to be installed above the traffic adjacent to the same intersection and expressed his enthusiasm for this location for art and artists.

Ms. Andrea Aiello stated that her group provides security, cleaning, and other services above those which the City provides for the Castro/Upper Market area. Part of her group's work is to identify open spaces in the neighborhood that could be conducive to pedestrians and economic vitality. Her group and the City identified the 17th/Castro/Market location, at the terminus of the MUNI F-line, as one such area. It was being built as a temporary plaza, and it will include tables, chairs, and foliage. If it does not prove successful in the next six to eight months, the intersection will return to its previous state. The City will be evaluating it.

Ms. Aiello endorsed Mr. Lazar's proposed location for street artist spaces as being in accord with the regulations and emergency considerations he had mentioned. She said that the City was willing to allow street artists in that location. She added that if it proves successful for the artists, she would be willing to work with Mr. Lazar in the future to find more spaces in the area for the artists.

Ms. Aiello stated that opening day for the "mini-plaza" was just one week away: Wednesday, May 13th – with the Mayor opening the plaza to a press conference. The City, she said, will be putting a generous amount of money into the project and will have only two days to close off the area to vehicles (except F-line) and transform the area into a "mini-plaza."

Program Director Lazar clarified that, if he receives authorization from the Arts Commission, the earliest that the spaces would be designated by the Board of Supervisors and the Mayor would be at the end of June (given the allowance of time for approval at the next meeting of the full Arts Commission and hearings conducted by the Board of Supervisors' Land Use Committee and the full Board itself).

Commissioner Lloyd asked if there was a faster way to allow street artists to use the area, as its opening day would be only one week away.

Director of Cultural Affairs Luis Cancel agreed that economic opportunity for the artists should be created as soon as possible.

Commissioner Delaney mentioned that immediate participation by street artists was necessary to provide a full and accurate evaluation of the value of the plaza.

Ms. Aiello stated that she would discuss the matter with the Department of Parking and Traffic's Cindy Shamban (permit officer for event street closures), because the street artists were included on the site map of the "mini-plaza" which was approved by ISCOTT

(Interdepartmental Staff Committee on Traffic and Transportation).

Mr. Lazar responded that, if that was the case, he surmised that street artists were being included in an "event", just as they had been when the Arts Commission itself had received approval by ISCOTT to close Beach Street for the Street Artists Program's 25th anniversary (1997).

The Commissioners directed Mr. Lazar to allow street artists into the "mini-plaza" upon its opening, as well as to pursue formal designation for the artists by the Board of Supervisors.

Commissioner Lloyd called for public comment.

Street Artist Kathleen Hallinan stated that she had sold her wares in the Castro Street Fair for many years, and that the area was very lucrative.

In response to a question by Street Artist Tad Sky, Ms. Aiello, through the Chair, stated that the merchants of the area were cognizant of the plans for street artists to be in the "mini-plaza" and had voiced no objection to this.

Commissioner Melania moved to approve authorization of street artists to sell their wares as permitted by the Department of Parking and Traffic for a "mini-plaza" proposed by the Castro Upper Market Benefit Community District for 17th Street, at Castro and Market Streets; and to approve authorization of Street Artists Program Director to request Board of Supervisors for temporary designation of street artist spaces in "mini-plaza" proposed for 17th Street, at Castro and Market Streets. The motion was seconded by Commissioner Delaney and unanimously approved.

3. *Action.* **Hearing and possible motion to reduce wasteful usage of lottery supplies by rescinding procedure which allows street artists to enter into the space-assignment lotteries the names of street artists not present at the lotteries.**

Street Artists Program Director Lazar asked that the item be withdrawn. He had discussed the matter with a member of the Lottery Committee, and it had been concluded that the problem of misuse and waste of the lottery supplies could be corrected without the rescission of a rule which appeared to be benefitting most street artists.

Commissioner Lloyd withdrew the item from the agenda.

4. *Discussion.* **Street Artists Program Director' Report.**

7th International Public Market Conference. Street Artists Program Director Lazar reported that he had been contacted by organizers of the 7th International Public Market Conference to speak at the conference which was held in San Francisco. On April 24th and 25th, Mr. Lazar spoke on how the Street Artists Program was created, how it is administered, how it influences San Francisco's economy, and how it provides jobs for the artists it serves. The purpose of the conference was to provide a sharing of information on the administration of premier market events.

City Attorney clarification on Program Director's authority to select and make honorarium payment to qualified street artists assisting Program Director in painting street artist space markings. For many years the Program Director had selected qualified street artists to assist him in measuring and painting the numbers and markings of street artist spaces on the sidewalks and, by Arts Commission resolution, had made honorarium payments in amounts of $100 to $300 to them for their assistance. Last November, however, Mr. Lazar had received a letter from a street artist protesting this practice and asserting that City law requires the Program Director to put such jobs out to bid. Mr. Lazar reported that this assertion was refuted by the City Attorney's office who clarified that, according to the City Purchaser's regulations, contracts for general services (that is, the measuring and painting of street artist spaces) for an amount between $0 to $10,000 do not require competitive bidding. With this clarification, Mr. Lazar stated that he will continue to select qualified street artists for such jobs and will continue to request Arts Commission resolution for the payment of their assistance.

Street artist opposition to proposal for Street Artists Program to withdraw from Arts Commission. Mr. Lazar referred the Commissioners to thirteen letters he had received over the previous month and a half from street artists who, he said, vehemently expressed their opposition to any proposal for the Street Artists Program to leave the authority and administration of the Arts Commission. In addition, the Program Director had received a petition signed by 54 street artists which stated emphatically that "WE DO NOT ENDORSE ANY ALTERNATIVE SYSTEM (NON-PROFIT OR OTHERWISE) WHICH WOULD WITHDRAW OUR PROGRAM FROM THE ARTS COMMISSION."

Commissioner Lloyd stated that it was clear to him that, without a measure approved by the voters, the Program could not be privatized.

Mr. Lazar affirmed that the responsibility for licensing the street artists was given exclusively to the Arts Commission by the voters who also placed the authority of designating street artist selling areas in the hands of the Board of Supervisors. The voters would have to rescind the present Street Artists Ordinance in order for the Street Artists Program to leave the jurisdiction of the Arts Commission.

5. *Discussion.* **Street Artists Liaison Committee's Report.**

Program Director Lazar reported that Director of Cultural Affairs Luis Cancel and he had met with members of the Street Artists Liaison Committee (previously known as "Steering Committee") to discuss a proposed election procedure for artists wishing to join the Committee. Mr. Lazar briefly described the procedure which would culminate in the votes being counted at a meeting of the Street Artists Committee.

Commissioner Lloyd confirmed with Mr. Lazar that the purpose of the Liaison Committee would be an efficient, coherent way for ideas and proposals of the street artists to be expressed. Until the election procedure is approved by the Arts Commission, the current Liaison Committee would continue to function as an ad hoc committee.

Director of Cultural Affairs Cancel stated that the City Attorney had clarified that if such a committee were to be formally established by the Arts Commission, the committee would have to follow procedures established by the Sunshine Ordinance – its agendas and minutes would have to be published on the Commission's website. While there would be these added responsibilities, the staff felt that the benefits derived from having a formally recognized group representing all 400 street artists would be worth the effort.

Commissioner Lloyd stated that the proposed election procedure for the Liaison Committee would be placed on the agenda and heard at the next meeting of the Street Artists Committee.

Commissioner Lloyd asked to hear a report by the current ad hoc Liaison Committee.

Street Artist Kathleen Hallinan reported that, prior to the formation of the current Liaison Committee, various street artists spread the word to invite artists to join. This resulted in a group of four people who met informally every two months to discuss issues. She expressed

that it would be a good time now to invite more artists to join the committee. While it will provide an informal platform for artists to discuss issues, it will not preclude any artist from independently submitting an issue for Arts Commission hearing.

Ms. Hallinan further stated that she envisioned the placement of notices and petitions on the space-assignment lottery tables, inviting artists to express ideas for changes in their Program which could then be conveyed by the Liaison Committee to the Street Artists Committee. She looked forward to an actual election process starting in September (after the busy summer selling season).

6. *Discussion.* **New Business/Public Comment.**

Street Artist Maria Hillius stated that she had attended the January 14, 2009 meeting of the Street Artists Committee and witnessed street artist Michael Addario ask for a discussion on severing the Street Artists Program from the Arts Commission and making it a non-profit organization. She also witnessed Comissioner Garcia-Nakata responding that the artists' "Steering Committee" should investigate whether the majority of artists were in favor of such a proposal and, if so, a discussion could be calendared.

In keeping with this, Ms. Hillius stated that she subsequently wrote and circulated among the artists a petition with an attached excerpt of the January 14th minutes detailing Mr. Addario's request and Commissioner Garcia-Nakata's response.

Ms. Hillius stated that she circulated her petition primarily among the artists who sell at Fisherman's Wharf and at Justin Herman Plaza. She stated that it engendered much discussion among the artists.

Ms. Hillius presented the petition to the Commissioners. Its heading stated: "***Keep the Street Artists Program part of the S.F. Arts Commission.*** *The Street Artists Program has been part of the San Francisco Arts Commission for 37 years, since 1972. We are very satisfied with that relationship and wish to continue the system which has provided us good selling spaces.* ***WE DO NOT ENDORSE ANY ALTERNATIVE SYSTEM (NON-PROFIT OR OTHERWISE) WHICH WOULD WITHDRAW OUR PROGRAM FROM THE ARTS COMMISSION.*** *Any new proposal brought before the Program Committee by an artist which significantly changes our current Program should be accompanied by a petition with a majority of license holders."* The petition was signed by 217 artists.

Commissioner Lloyd thanked Ms. Hillius for the petition and reiterated that, without the voters rescinding the present Street Artists Ordinance, any proposal for withdrawing the Street Artists Program from the Arts Commission was not realistic.

Street Artist Michael Johnson stated that what happened earlier in today's meeting was "the best signature" of what the Commissioners and the staff can do for the artists: obtain new spaces for the artists in which "to create art and to create wealth." Opposing any idea of the Program leaving the Arts Commission, he stated that if the Program were to start over with "a new untried, untested, unformed group" of individuals, "then we will lose all of the support" of the neighborhood and merchant groups, the Commissioners and staff, "and also the mandate of the voters of this city."

Street Artist Tad Sky stated that he has been in the Street Artists Program for thirty-five years and that the Program works well for the artists. He went on to say that what upset the artists was when they saw that one person could recommend a proposal without first discussing it with the other artists. He added that "the 'Steering Committee' was asked to" investigate the proposal, "and it wasn't done"; therefore, that was the reason for the fostering of the petition. He reiterated that when major changes to the Program are to be discussed, he wanted them first to be discussed among the artists, and he applauded the Liaison Committee as a means to fulfill this.

Street Artist John Ndoh stated that the Liaison Committee would serve a good purpose in conveying to all street artists information on major issues.

Commissioner Lloyd stated that the Liaison Committee will provide an open process for communication, the minutes of its meetings will be available, and all artists will be welcome to attend its meetings.

Street Artist Carlos Cuzma stated that for street artists in the Program for thirteen or fourteen years, the Program is their life. He urged the Commissioners to continue managing the Program for them.

Street Artist Dennis Dooley stated that he is one of the long-time street artists in the Program with license number 33, and that he felt that elections for Liaison Committee membership were an excellent idea because the Program is "so open", but that the elections should be conducted in a strict manner. He went on to say that in this "open Program" some people have called him "an anarchist." He added that there is "a lot of trust" in the Program, and that the Program was very extraordinary with many fine artists, as well as some mentally challenged people who have managed to maintain their licenses; the Program was "a community."

Street Artist Michael Addario stated that the minutes of the January 14th Street Artists Committee meeting reflect that all he asked for was a "discussion and possible motion, and I should be granted that right". Furthermore, the Program's bluebook clarifies that any artist can submit a proposal directly to the Street Artists Committee for a hearing. This is reinforced by Roberts Rules of Order which, he said, allows for the rule of the majority and the protection of the minority and does not allow the majority to silence or to take away the rights of the minority.

Reading from a prepared statement, Mr. Addario (1) requested the Commissioners to direct the Program Director to alert all Commissioners and staff, and to amend the Program's by-laws to reflect, that hearsay evidence is admissible in civil proceedings; (2) requested that the scheduled audit on the Street Artists Program commence at the end of the current fiscal year, for "accurately gauging the fiscal health of the San Francisco Street Artists Program"; (3) reiterated that anyone on their own can initiate a change under the by-laws of the Street Artists Program; (4) requested that the Commissioners be given a copy of, and urged to read, the Program's by-laws; and (5) requested that the Commissioners join the street artists at either their 6 a.m. or 9 a.m. lotteries to see for themselves the issues faced by the artists.

Street Artist Juan Marin Jimenez stated that, in his travels through many countries and for many years, he never saw in any town or in any country a program like San Francisco's Street Artists Program: "I never saw"anything "equal to this Program." He wanted to see it continue.

Street Artist Kathleen Hallinan stated that the "Steering Committee" had met only in coffee shops for a period of time "and really didn't do that much ... we were just a discussion group. We sought no power."

Commissioner Lloyd clarified that, from the Commission's point of view, the purpose of the Liaison Committee was not about power, that it was all about communication and interaction.

Upon the conclusion of "Public Comment", Commissioner Lloyd adjourned the meeting at 4:10 p.m.

Respectfully submitted:

Howard Lazar
Street Artists Program Director

May 27, 2009

Meeting Information

GOVERNMENT DOCUMENTS DEPT
FEB 21 2015
SAN FRANCISCO PUBLIC LIBRARY

STREET ARTISTS COMMITTEE

Wednesday, July 8, 2009
3:00 p.m.
25 Van Ness Avenue, Suite 70

Agenda

1. ***Action.*** **Hearing and possible motion to approve proposed election procedure for five (5) members of Street Artists Liaison Committee.**

   [NOTE: The proposal, if approved, would implement an election procedure for street artists wishing to be members of the Liaison Committee which would act as a representative body for street artist views and/or proposals to the Arts Commission. Until an election procedure is approved, the current Liaison Committee (previously known as "Steering Committee") may continue to function as an ad hoc committee.]

2. ***Discussion.*** **Street Artists Program Director's Report.**

3. ***Discussion.*** **Street Artists Ad Hoc Liaison Committee's Report.**

4. ***Discussion.*** **New Business/Public Comment.**

5. **Adjournment.**

July 2, 2009

Notices

Explanatory documents are available for public inspection and copying at the Arts Commission office, 25 Van Ness Ave, Suite 240, San Francisco CA 94102 during regular business hours. Tel: INFO: (Howard Lazar 415-252-2583).

Public comment in regard to specific items will be taken before or during consideration of the item.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (San Francisco Campaign and Governmental Conduct Code sections 2.100 - 2.160) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 25 Van Ness, Suite 220, San Francisco, CA 94102, telephone (415) 252-3100, fax (415) 252-3112 and web site.

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Government's duty is to serve the public, reaching its decision in full view of the public. Commission's, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, contact Frank Darby by mail to Administrator, Sunshine Ordinance Task Force, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by email at **sotf@sfgov.org** .

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Meeting Information

STREET ARTISTS COMMITTEE

Wednesday, July 8, 2009
3:00 p.m.
25 Van Ness Avenue, Suite 70

MINUTES

GOVERNMENT DOCUMENTS DEPT
FEB 21 2015
SAN FRANCISCO PUBLIC LIBRARY

Members present: Commissioners Amy Chuang, John Calloway, Topher Delaney

Members absent: Alexander Lloyd, Sherene Melania

Staff present: Director of Cultural Affairs Luis Cancel, Street Artists Program Director Howard Lazar

Commissioner Delaney chaired the meeting and called it to order at 3:05 p.m.

1. *Action*. **Hearing and possible motion to approve proposed election procedure for five (5) members of Street Artists Liaison Committee.**

Street Artists Program Director Howard Lazar gave a brief history of a former ad hoc Liaison Committee which had existed some twenty years before. It had been composed of street artists who discussed proposals and submitted recommendations to the Arts Commission. Mr. Lazar himself had attended the meetings to give clarification of regulations and policies. Recently, a new group of street artists had formed an ad hoc Liaison Committee, also calling itself a "Steering Committee," and met with Director of Cultural Affairs Luis Cancel and Mr. Lazar. Thereafter, Mr. Cancel and Mr. Lazar, as well as Street Artists Committee Chair Alexander Lloyd, had expressed their view that the Liaison Committee should no longer be ad hoc but a bonifide committee. While it would then be subject to the rules of the Brown Act and the Sunshine Ordinance and would entail staff time in the drafting of agendas and the taking of minutes, staff felt that it would be in the best interest of the Street Artists Program to make the Liaison Committee official.

As with the Liaison Committee of twenty years before, the new committee would act as a representative body for street artist views and/or proposals to the Arts Commission.

In implementing the Liaison Committee's creation, staff was proposing an election proccdure for street artists wishing to be members of the Liaison Committee. Members of the current ad hoc committee had requested that an election not occur until after the busy summer selling season; staff had agreed to this and wanted the election procedure approved by the full Arts Commission and in place by the end of summer.

Mr. Lazar "walked" the Commissioners through the steps of the procedure. This included descriptions of the qualifications, terms, and duties of the members, and the ultimate counting of ballots at a public meeting of the Street Artists Committee.

Commissioner Delaney called for public comment.

Street Artist Maria Hillius commented that the procedure did not provide for a term limit.

Street Artist Michael Addario submitted a chart he created on the Street Artists Program's budget for Fiscal Year 2009-10. Reading from a prepared statement, he expressed opposition to the election procedure, citing the production of agendas and minutes of Liaison Committee meetings as "an expense of time and money the Program cannot afford." He went on to criticize the Program for a "lack of oversight", stating that "the Program is presently sliding into anarchy". To remedy this, he called for the dismissal of all Arts Commissioners from the Street Artists Committee and their replacement of "San Francisco street artists of good standing." This, he said, would end "the present disinfranchisement" of "the members" and would "gain an amount of autonomy and oversight of this Program." He stated that he could find nothing in his alternative proposal that would run counter to the Street Artists Ordinance. He asked that a vote be delayed on the Liaison Committee election procedure and that his own proposal be adopted.

Commissioner Delaney ascertained from Mr. Addario that he was proposing that she and her fellow Commissioners, who are appointed by the Mayor, would no longer serve on the Street Artists Committee, and that five street artists would be appointed to the Committee.

Street Artist Tad Sky expressed support for the idea of a Liaison Committee in order to have more street artist input on issues. This, he said, would benefit the Street Artists Committee because, in the thirty-five years of being a street artist, he has observed such a great turnover of Arts Commissioners on the Committee that "often you [the Commissioners] don't know the issues that we have to deal with."

Mr. Sky went on to say that he preferred having Commissioners on the Street Artists Committee because they are "an objective body, and I think the Liaison Committee could work well with you." He stated that he doubted that street artists on the Street Artists Committee could be an objective body.

Street Artist John Ndoli stated that this upcoming September he will be a street artist for thirteen years. He opposed the idea of a Liaison Committee because of an existing conflict of interest among the street artists due to their inherent competition, often resulting in a single artist feeling "victimized." The introduction of a Liaison Committee, he said, would only complicate matters for the Commissioners, Program Director Lazar, and the street artists. In contrast, he said, presently if there is a problem, "we can go to Howard; he can organize a committee if necessary – or he'll straighten out the problem."

Street Artist Oscar Bevilacqua stated that he is one of two "market managers" among the street artists who sell at Justin Herman Plaza, and that he was in favor of a Liaison Committee so long as it dealt with violations in the Plaza and not just artists' proposals.

Street Artist Maria Hillius stated that she was not in favor of what Michael Addario had proposed. Instead, she said, a duly-elected Liaison Committee should be implemented on a trial basis. She added that if street artists replaced the Arts Commissioners on the Street Artists Committee, there would be a conflict of interest – even to the point of friends having to judge the actions of friends.

Director of Cultural Affairs Luis Cancel clarified that the proposed election procedure called for, in the first election, the three members receiving the highest vote to serve for two years, while the remaining two members (in the first election) would serve for one year. Thereafter, all terms would be for two years.

Street Artist Debra King stated that she has been a San Francisco street artist since 1976 and that she felt fortunate to have worked well with the Program. While she has witnessed the Program's history – its swelling in numbers, its contraction, its community aspect – she felt that at this point in time the artists needed all the help they could get to be able to work together. Therefore, if the election procedure for a Liaison Committee would act as a vehicle toward that goal, she would be in favor of it.

Commissioner Delaney closed public comment.

Commissioner Calloway commented that he appreciated the inclusion of the following statement in the printed election procedure: *"NOTE: The purpose and duties of the Liaison Committee would not, in any way, preclude or abridge the right of any street artist or public member to introduce a proposal under 'New Business' or 'Public Comment' of an agenda of the Street Artists Committee."* The Commissioner acknowledged that some artists who have issues with other artists might not feel comfortable in presenting a proposal to a body of their peers and would rather submit it directly to the Street Artists Committee.

Director Cancel stated that, from the staff's perspective, having a body that has been authorized by the broad community of street artists affords the opportunity of a sounding board for conversations on policy issues.

In response to a question by Commissioner Delaney regarding the Liaison Committee's cost for the Program, Mr. Cancel stated that all Arts Commission committees for the Street Artists Program fall within the purview of the Sunshine Ordinance and become part of the cost of doing business.

Commissioner Delaney noted that there would be a cost involved in the Program Director's time in drafting agendas and taking minutes of the new committee's meetings; she was inquiring about the estimate.

Mr. Cancel responded that the committee already exists on an ad hoc basis, as it has been meeting with Mr. Cancel and Mr. Lazar periodically; the current proposal was simply a means of making the Liaison Committee official. While a separate accounting of staff time in meeting with the committee has not been done, the activity represents a cost of doing business. Similarly, he said, a separate accounting has not been done on the time-consuming staff research and fulfillment of documents that have been provided to Mr. Addario's requests for information; this, too, is built into the cost of the Program's operation.
It was possible that the Liaison Committee's activities might lessen the frequency of such requests.

Mr. Lazar stated that, because his Program was short-staffed, his servicing of the Liaison Committee could at times take priority over some of his other duties. Nevertheless, he agreed with Mr. Cancel that the committee would be of benefit for the Program. The cost of supplies – printing of ballots, etc. – for the committee would be negligible.

In response to a question by Commissioner Calloway, Mr. Cancel stated that the Liaison Committee would be a separate, independent, advisory body which would act as "a sounding board" on issues. Presently, whenever Mr. Lazar and he meet with the ad hoc committee, they have no assurance that its current members speak for a significant number of street artists. The proposal would provide for a committee elected by, and representing, the artists.

Commissioner Calloway moved to recommend approval of the proposed election procedure for five (5) members of the Street Artists Liaison Committee; the motion was seconded by Commissioner Delaney and unanimously approved.

2. *Discussion*. **Street Artists Program Director's report.**

Program Director Lazar reported on the following events:

"Café Spaces" (Market Street at Steuart Street): Mr. Lazar presented at a hearing of the Board of Supervisors' Land Use Committee the Arts Commission's request, on behalf of the street artists, for permanent designation of nine (9) temporary street artist spaces designated last year by the Board for Market Street, north side, at Steuart Street. The full Board approved the request. The nine permanent spaces are the only sidewalk spaces that allow street artists to exceed the 3' x 4' display size regulations; the artists may have 10' x 10' displays in these nine spaces.

Hayes Street (near Octavia Street) spaces; and "Mini-Plaza" spaces (17th Street/Castro Street/Market Street): Mr. Lazar will be presenting at the Board of Supervisors two other Arts Commission requests for spaces: a request for four (4) street artist spaces on Hayes Street, near Octavia Street, which is being opposed by the Hayes Valley Merchants Association; and a request for eight (8) spaces in the recently created "mini-plaza" at the intersection of 17th Street/Castro Street/Market Street. Both areas are being requested on a temporary six-month basis with a provision for subsequent review.

San Francisco *Examiner* story on street artists: Mr. Lazar showed a copy of a full front page article by the *Examiner* on the Arts Commission's Street Artists Program. The article, published on the eve of the 4th of July weekend, continued on the inside pages with a full spread of photos of various street artists selling their wares in Justin Herman Plaza. Mr. Lazar commented on the article's significance: (1) It was the first time that a prime market newspaper approached the Arts Commission for a story on the street artists' cultural contribution to San Francisco – a far cry, he said, from the newspaper political cartoons of thirty-seven years ago which portrayed the artists unfavorably; (2) the Arts Commission was given credit for running the Street Artists Program, and the Commission's Director of Cultural Affairs, the Program Director, and various street artists were interviewed and quoted; and finally (3), after thirty-seven years, the news acknowledged the licensholders as "artists", not street vendors.

Commissioner Delaney requested that staff convey the Commission's appreciation to the article's author, Will Reisman.

On-line payment for certificate renewal. Director of Cultural Affairs Cancel informed the Commissioners that one of the Street Artists

Program's goals by the end of the current fiscal year is to provide an on-line resource as a convenience for street artists to pay for their certificate renewals. The certificates would then be either mailed to the artists or claimed by the artists at the office.

There was no public comment on the Program Director's report.

3. *Discussion.* **Street Artists Ad Hoc Liaison Committee's report.**

No representative of the ad hoc Liaison Committee came forward; no report was given.

4. *Discussion.* **New Business/Public Comment.**

Street Artist Michael Addario disparaged the Program staff for perceived "improprieties," failings, and inadequacies, which included an alleged "stalled" request for an audit, discrimination against the street artists, a "lack of oversight," and the creation of "a defacto caste system."

Street Artist Tad Sky stated that newly licensed street artists come out on the street and sell unscreened items. Because of the Program's budget constraints, the screening committee monitors the street artist areas only during the winter and summer selling seasons, which then allows violators to sell "anything they want" during the rest of the year. While the Program's two staffpeople spend eighty hours a week in the office, there is no staff monitoring on the streets during the week, and "anyone who wants to cheat can" do so. This leaves the other artists having to do investigative work and submitting complaints. He proposed that either the Program Director monitor the artists' areas more often – because he knows the items each artist has been approved to sell – or that the Program Assistant's job be half assistant-half inspector, or that the screening committee monitor more often.

Street Artist Maria Hillius asked that the Commission rescind its policy of allowing street artists to renew their certificates during a ten-day grace period prior to or after their certificate's expiration. The policy, she said, allows artists to take advantage of the system by selling during the ten days after their certificate's expiration and telling other artists that their renewal payment was mailed when it was not.

Street Artist John Ndoli acknowledged Street Artist Michael Addario's conflict with the Program Director but stated that he felt "Howard is a wonderful director" and that "the majority of the artists" would agree. Mr. Ndoli looked forward to the meetings of the new Liaison Committee being recorded and accessible to all artists.

Street Artist Debra King expressed her appreciation of the Mayor-appointed members of the Program's Advisory Committee of Street Artists and Crafts Examiners who, when they hold a screening, "work very hard under hectic conditions" examining the wares of ten to twelve applicants an hour. The screeners are then expected to remember each applicant's arts and crafts during subsequent on-site inspections, in order to verify whether the applicant is selling what he or she is authorized to sell. To assist them, Ms. King recommended that they carry a photo portfolio of all certificateholders and their approved items.

Ms. King went on to say that, in the current "challenging economic times," she has been aware of certain certificateholders who have been selling items that they have not been authorized to sell. Because San Francisco is "nationally and internationally known for her beauty and her arts," Ms. King wanted the "Street Artists Program to echo this beauty and the arts." To illustrate her "portfolio" recommendation, Ms. King submitted mockup pages of people and their arts and crafts.

Program Director Lazar stated that each applicant and his/her approved wares are photographed at the applicant's screening, and the photos are part of the applicant's file. The next step, in keeping with Ms. King's recommendation, would be to consolidate the photos into a size-manageable portfolio which can be carried by each Advisory Committee member. It was an idea that he himself had considered many years before while he was on monitoring duty but had never had the opportunity to bring it to fruition.

Director Cancel suggested that an iPod with all of the images could be used as such a "portfolio." Commissioner Calloway stated that this would be readily affordable.

Mr. Cancel stated that, upon visiting the street artists at their locations, he has been frustrated over seldom seeing the artists' certificates on display. He suggested that a larger, placard-sized image of the certificate be displayedin order to readily see who is authorized versus who is not and what items are authorized to be sold. He asked that this be considered.

Mr. Sky said that street artists who do not display their certificates are actually abetting unlicensed vendors who do, on occasion, sell among the artists.

Commissioner Delaney stated that the Commission should properly identify the street artists as "street artists," using some type of method as, for example, a certain color or a canopy or a banner, in order "to celebrate the work" of the artists and to define their work as being different from that which is imported or mass-produced. An 8 ½" x 11" placard attached to the artists displays might accomplish this.

Mr. Lazar stated that, about fifteen years ago, the Arts Commission did something similar for the street artists: it hosted a competition among the street artists for a design which was ultimately produced as a placard boldly identifying them with the City's seal, and the placard was slotted to hold each artist's certificate. Initially, most of the artists displayed it; but, eventually, very few did. Upon enforcing its display, Mr. Lazar received from the artists various excuses that they did not want to display their names because thieves could find out where they lived and steal their merchandise, or that their licenses and the placards could be stolen from their displays. Because the crime of failing to display a certificate was not considered a major crime (not, for example, as major as selling something not made by the artist), such cases were not a priority for the Commissioners to hear; and, therefore, a consistent enforcement of certificate display was not achieved.

Commissioner Delaney stated that identifying signs were needed and that monitoring was needed not only for such signs but for the items being sold, and that it was not proper for the artists to be placed in a position of having to confront each other on such issues. All of this needed to be addressed.

Mr. Lazar responded that the monitoring/enforcement issue was being addressed by the new fiscal year's increased allocation of compensation for the screening committee. The allocation was significantly raised for the new fiscal year. This had been a part of the budget submitted by the Arts Commission to the Board of Supervisors in response to the artists' request for more screening committee monitoring assignments. The artists who had conveyed their request to the Commissioners had consented to having their fees raised in order to provide for this. Therefore, for the current year, the committee will be monitoring not only on weekends during summer and winter but on weekends throughout the year. The screening committee members will monitor to the extent of the law which restricts them to a limit of 35 meetings per year (screenings, studio visits, and monitoring assignments).

Commissioner Calloway expressed enthusiasm for the increase in the monitoring assignments and consideration of the use of iPod "portfolios." He also endorsed the prospect of "celebrating" the artists' work as a means of improving the Program.

There being no further new business nor public comment, Commissioner Delaney adjourned the meeting at 4:22 p.m.

Respectfully submitted:

Howard Lazar
Street Artists Program Director

July 24, 2009

Meeting Information

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STREET ARTISTS COMMITTEE

Wednesday, September 9, 2009
3:00 p.m.
25 Van Ness Avenue, Suite 70

Agenda

1. ***Discussion.*** **Street Artists Program Director's Report.**

   [NOTE: The Street Artists Program Director will report on Program activities during the summer, recently received petitions or proposals for legal amendments, and other matters of the Street Artists Program.]

2. ***Discussion.*** **Street Artists Ad Hoc Liaison Committee's Report.**

3. ***Discussion.*** **New Business/Public Comment.**

4. **Adjournment.**

September 4, 2009

Notices

Explanatory documents are available for public inspection and copying at the Arts Commission office, 25 Van Ness Ave, Suite 240, San Francisco CA 94102 during regular business hours. Tel: INFO: (Howard Lazar 415-252-2583).

Public comment in regard to specific items will be taken before or during consideration of the item.

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Meeting Information

STREET ARTISTS COMMITTEE

Wednesday, September 9, 2009
3:00 p.m.
25 Van Ness Avenue, Suite 70

MINUTES

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Members present: John Calloway, Topher Delaney, Sherene Melania

Members absent: Amy Chuang

(Commissioner Alexander Lloyd, Chair of the Street Artists Committee, had resigned from the Arts Commission.)

Staff present: Street Artists Program Director Howard Lazar, Program Assistant Evelyn Russell

Commissioner Calloway chaired and called the meeting to order at 3:07 p.m.

1. *Discussion.* **Street Artists Program Director's Report.**

Street artist spaces in "mini-plaza" at 17th/Castro/Market Streets. Street Artists Program Director Howard Lazar reported that on July 13th, he presented at the Board of Supervisors' Land Use Committee the Arts Commission's request for eight (8) temporary street artist spaces in the recently created "mini-plaza" on 17th Street at Castro and Market Streets, and that the Land Use Committee approved the request as a recommendation to the full Board of Supervisors. *(The full Board approved it as Resolution No. 302-09 on July 21st, and the resolution was signed by the Mayor on July 27th.)*

Street artists in United Nations Plaza. In 1980 Bernard Averbuch, Executive Director of the Market Street Association, and Street Artists Program Director Howard Lazar succeeded in obtaining Board of Supervisors designation of United Nations Plaza as an area in which fifty (50) street artists could sell their wares. Through the ensuing years, however, it was seldom used by the artists - until now. Street Artists Dana Boyko and Susan Koenig and Mr. Lazar met with the City's Department of Real Estate and the directors of the Farmer's Market to agree on an area of the Plaza in which the artists could sell on Wednesdays and Sundays when the Plaza is primarily inhabited by the Farmer's Market. It was agreed that the artists would set up away from the farm vendors in an area alongsideMarket Street and east of an imaginary line drawn from the end of Leavenworth Street across the Plaza to Market Street. The venture was successfully inaugurated on Wednesday, August 26th, by Street Artists Susan Koenig and Lucinda Page.

Mr. Lazar further reported that the Department of Real Estate offered to include in its e-mailed newsletter to all City departments an announcement about the artists' presence at the Plaza. The announcement, whose text will be drafted by Ms. Boyko, Ms. Page, and Mr. Lazar, will have photos of artists and their booths.

Commissioner Delaney asked Mr. Lazar to request Real Estate to include the announcement in several issues of its newsletter to help fully establish cognizance of the artists' presence at UN Plaza.

Proposal for four (4) temporary street artist spaces on Hayes Street , near Octavia Street . Mr. Lazar presented the proposal at the Board of Supervisors' Land Use Committee on July 13th, whereupon two artists and the president of the Hayes Valley Merchants Association were deadlocked in disagreement. Supervisor Maxwell, the Committee's Chair, continued the item to a later meeting in order to allow time for negotiation of a possible compromise between the opposing parties. Both sides, however, refused to compromise. Nevertheless, Director of Cultural Affairs Luis Cancel and Mr. Lazar received a proposal from Hayes Street Merchants President Russell Pritchard to commence, the proposal stated, "a partnership" between the Arts Commission's Street Artists Program and the Hayes Valley Merchants Association "to connect artists within the Street Artists Program with Hayes Valley merchants ... to develop and institute a program of matching up artists and merchants" which "will provide another avenue for local artists to show and to sell their work." Mr. Lazar stated that he would inform the Land Use Committee of the Hayes Valley Merchants Association's proposal in lieu of a compromise on street artist spaces.

Commissioner Delaney stated that she felt the presence of street artists in a commercial area brings more business to the area.

Commissioner Melania asked Mr. Lazar if it was typical for a street artist proposal which meets opposition to be brought to the Board of Supervisors. Mr. Lazar responded that it was not typical, that he has traditionally submitted only proposals that have either received no opposition or have already met with a compromise.

Petition to change payment of certificate fee from payment for three-month certificate to payment for six-month certificate.

The Program Director reported that he had received a petition from forty-seven street artists requesting that street artists be able to pay for a six-month certificate, rather than the current three-month certificate, and that the current option for a one-year certificate be retained. The petition stated that "Many new artists sign up for only 3 months then drop out. ... Many new artists also come from other countries and from out of state. They typically work for three months then go back home. This does not add to our local or State economies and adversely effects the artists that live and work here all year around." Mr. Lazar stated that he did not submit the petition for calendaring as a hearing because he wanted an opportunity to discuss it with the artists to get a sense of the rationale behind it. Furthermore, he had received comments from many artists vehemently opposed to the petition.

Mr. Lazar went on to say that if the matter were to result in a hearing and the Commissioners were to approve what the petition requested, the Arts Commission would have to ask the Board of Supervisors to submit to the voters an ordinance reflecting the request.

Street Artists Program Director hearings on alleged violations. On September 2nd, Mr. Lazar acted as a hearing officer on alleged violations of the street artists ordinance by four street artists. He had denied renewal of the artists' certificates pending the outcome of their hearings.

Presentation of ballot materials for election of Liaison Committee. Mr. Lazar presented drafts of documents created by Director of Cultural Affairs Cancel and Mr. Lazar relating to the upcoming voting procedure for the street artists' Liaison Committee. The drafts were of a candidates' sign-up sheet, an official ballot, and a ballot envelope.

Commissioner Calloway reviewed the requirements for candidates and then called for public comment on the Program Director's report.

Street Artist William Clark stated that he understood that the Program Director, in his hearings on alleged violations, had found two artists in violation of the street artists ordinance, had issued them warnings, and had allowed them to sign papers promising to abide by all the rules and regulations. Mr. Clark objected to this by stating that, according to the Program's rulebook, violations were separated into two parts – serious violations and minor violations – and that the two individuals who had been found guilty had committed serious violations which would warrant suspensions of their certificates and not a warning after signing a paper. The Program Director's findings, he said, should have come to the Street Artists Committee for hearings on the violations. Mr. Clark went on to name the artist who had been found guilty of selling items not of her own creation and also of having a salesperson, each violation, Mr. Clark said, requiring an automatic two-month suspension. He then named the artist who had been found guilty of selling in a location no longer designated by the Board of Supervisors, which, he said, should merit a two-week suspension. He wanted to see these individuals brought before the Street Artists Committee for hearings on the charges.

2. *Discussion.* **Street Artists Ad Hoc Liaison Committee's Report.**

No report was forthcoming.

Street Artist Virginia Travers stated that she was one of the founders of the present ad hoc "Steering Committee" (Liaison Committee), and that the committee had not been meeting.

3. *Discussion.* **New Business/Public Comment.**

Street Artist Michael Addario referred to a January 14th budget discussion in which, he said, it had been stated that money had been stolen from the office and "we were not told about it," and that, with Commissioner Lloyd's urging, the Arts Commission had voted to ask for a financial review of the Street Artists Program. But the letter to the Controller was not written by the Program Director until June 10th and, Mr. Addario said, was not received by the Controller until June 15th. Then, on August 20th, the Controller denied the request by stating that it was not a priority.

Mr. Addario went on to say that one of the items he received from the Controller's office showed that, in the Program's account, there is, he said, a "programmatic project" which lists $150,000 and which, he said, no one can explain. According to Mr. Addario, the Controller's office said it was an accumulation of money over a period of time, and, he said, the Arts Commission's financial director would not answer his questions. Mr. Addario stated that he felt there was something wrong and that he saw delay tactics. He asked the Commissioners to "demand" a financial review of the Program as well as a performance review of both Mr. Lazar and Evelyn Russell (the Program's Assistant).

There being no further public comment, Commissioner Calloway adjourned the meeting at 3:35 p.m.

Respectfully submitted:

Howard Lazar
Street Artists Program Director

Meeting Information

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STREET ARTISTS COMMITTEE

Wednesday, November 4, 2009
3:00 p.m.
25 Van Ness Avenue, Suite 70

Agenda

1. ***Action.*** **Hearing and Possible Motion to approve or deny issuance of certificate for Paula Datesh.**

2. ***Action.*** **Hearing and Possible Motion to approve or deny issuance of certificate:**

   Jennifer Chen – Alleged violation: Obstructing lottery space assignment procedure by refusing to vacate a space eligible for noontime lottery assignment.

3. ***Action.*** **Counting of candidates' ballots for Street Artist Liaison Committee; Motion to approve elected candidates.**

4. ***Discussion.*** **Street Artist Program Director Report.**

5. ***Discussion.*** **Public Comment.**

6. **Adjournment.**

October 29, 2009

Notices
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Meeting Information

STREET ARTISTS COMMITTEE

Wednesday, November 4, 2009
3:00 p.m.
25 Van Ness Avenue, Suite 70

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Members present: Sherene Melania, Chair, John Calloway, Topher Delaney, Astrid Haryati

Members absent: Amy Chuang

Staff present: Director of Cultural Affairs Luis Cancel, Street Artists Program Director Howard Lazar

Commissioner Melania, Chair, called the meeting to order at 3:10 p.m. and welcomed Commissioner Astrid Haryati to the Committee.

1. *Action*. **Hearing and possible motion to approve or deny issuance of certificate for Paula Datesh.**

   The Commissioners ascertained that Paula Datesh was not present. Commissioner Melania tabled the hearing.

2. *Action*. **Hearing and possible motion to approve or deny issuance of certificate:**

   Jennifer (Shao Cui) Chen – Alleged violation: Obstructing lottery space assignment procedure by refusing to vacate a space eligible for noontime lottery assignment.

   Ms. Jennifer Chen brought Ms. Mei Zhang (her cousin) and Mr. David Chan, Public Safety Coordinator of San Francisco SAFE, Inc., for her Cantonese/English interpreters. The Arts Commission provided Ms. Amanda Kwong as a Cantonese/English interpreter for Ms. Chen and the Commissioners.

   Program Director Howard Lazar presented the Program's case against Ms. Chen. Street Artist Cheryl Chen (no relation to Jennifer Chen) testified against Ms. Chen. Ms. Chen spoke on her own behalf. Mr. Kong Chen spoke in support of his sister, Jennifer Chen. Taking public comment, the Commissioners heard from street artists Michael Addario, Kathleen Hallinan, Wan Lan Ma, Joyce Kung, and Maria Hillius. The Commissioners discussed the case. *[A complete audio recording of the hearing is available from the office of the Street Artists Program.]*

   Commissioner Delaney moved that Jennifer (Shao Cui) Chen be found in violation of Arts Commission street artist space assignment Lottery Rule XI, "Noontime Rule," and "Procedures for Sales pace Occupancy Rule," by (1) refusing to vacate a street artist space eligible for assignment through the noontime lottery, and (2) by obstructing the noontime lottery procedure; the motion was seconded by Commissioner Calloway and unanimously approved.

   Commissioner Calloway moved that Ms. Chen's certificate be suspended for a period of two (2) months; the motion was seconded by Commissioner Delaney and unanimously approved.

3. *Action*. **Counting of candidates' ballots for Street Artists Liaison Committee; motion to approve elected candidates.**

   In keeping with the procedure approved by the Arts Commission for an election of five (5) candidates to serve on the Street Artists Liaison Committee, ballots with return envelopes had been disseminated among all street artists attending space-assignment lotteries of the Wharf, Downtown, and Justin Herman Plaza areas for an election period of three (3) weeks, ending October 31, 2009. Two hundred twenty-eight sealed ballot envelopes had been received by the Program Director and were now delivered to the Commissioners to open and tabulate at this, the November 4th, meeting of the Street Artists Committee.

   The results of the election, among the ten candidates, were as follows:

CANDIDATE	NUMBER OF VOTES

Tad Sky	120
Cheryl Chen	102
Debra King	90
Michael Addario	89
Jimmy Sha	78
Kathleen Hallinan	76
Maria Hillius	74
Carlos Cuzma	71
Dana Boyko	59
Madeline Marrow	59

As this was the first election, the three top vote-getters would be serving for two-year terms, and the next two top vote-getters would be serving for one-year terms. Upon subsequent elections, all five top vote-getters would serve for two-year terms.

Commissioner Melania moved to approve the following candidates (in ranking order) as members of the Street Artists Liaison Committee: Tad Sky, Cheryl Chen, Debra King, Michael Addario, Jimmy Sha; the motion was seconded by Commissioner Calloway and unanimously approved.

As Commissioners Haryati and Calloway had to leave, the Street Artists Committee lost its quorum. Commissioner Melania adjourned the meeting at 5:00 p.m.

Respectfully submitted:

Howard Lazar
Street Artists Program Director

December 02, 2009

January 13, 2010

Street Artists Committee - January 13, 2010

STREET ARTISTS COMMITTEE

Wednesday, January 13, 2010
3:00 p.m.
25 Van Ness Avenue, Suite 70

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Agenda

1. ***Action.*** **Discussion and possible motion to approve request by Program Director for amendment of minutes of November 4, 2009 meeting of Street Artists Committee.**
2. ***Action.*** **Discussion and possible motion to:**
   (a) approve Street Artists Program budget for Fiscal Year 2010-11 and corresponding proposed Street Artist certificate fee increase for Fiscal Year 2010-11. As required by Proposition K of November 8, 1983, any certificate fee increases would be limited to those necessary in order to finance the costs of the Arts Commission in administering and enforcing the provisions of the Street Artists Ordinance; and

   (b) authorize the Street Artists Program Director to ask the City Attorney's Office to draft a corresponding fee ordinance for submission to the Board of Supervisors for approval.
3. ***Discussion.*** **Street Artists Ad Hoc Liaison Committee's Report.**
4. ***Discussion.*** **Street Artists Program Director's Report.**
5. ***Discussion.*** **New Business/Public Comment.**
6. **Adjournment.**

January 8, 2010

Notices
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Ave, Suite 240, San Francisco CA 94102 during regular business hours. Tel: INFO: (Howard Lazar 415-252-2583).

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January 13, 2010

Street Artists Committee - January 13, 2010

STREET ARTISTS COMMITTEE

Wednesday, January 13, 2010
3:00 p.m.
25 Van Ness Avenue, Suite 70

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MINUTES

Members present: Sherene Melania, Chair, John Calloway, Amy Chuang, Topher Delaney

Members absent: Astrid Haryati

Staff present: Director of Programs Jill Manton, Director of Finance Kan Htun, Street Artists Program Director Howard Lazar

Commissioner Melania, Chair, called the meeting to order at 3:04 p.m.

1. *Action*. **Discussion and possible motion to approve request by Program Director for amendment of minutes of November 4, 2009 meeting of Street Artists Committee.**

Street Artists Program Director Howard Lazar stated that Street Artist Michael Addario informed him of an error in the minutes of November 4, 2009 with regard to the votes counted for candidates of the Liaison Committee. Mr. Lazar had erroneously stated that Street Artist Kathleen Hallinan had received 76 votes, whereas she had received 40. He asked that the minutes be amended to reflect the correction.

Commissioner Calloway moved that the minutes of November 4, 2009 be amended to reflect the correct number of votes for Kathleen Hallinan; the motion was seconded by Commissioner Delaney and unanimously approved.

2. *Action*. **Discussion and possible motion to:**

(a) approve Street Artists Program budget for Fiscal Year 2010-11 and corresponding proposed Street Artist certificate fee for Fiscal Year 2010-11. As required by Proposition K of November 8, 1983, any certificate fee increases would be limited to those necessary in order to finance the costs of the Arts Commission in administering and enforcing the provisions of the Street Artists Ordinance; and

(b) authorize the Street Artists Program Director to ask the City Attorney's Office to draft a corresponding fee ordinance for submission to the Board of Supervisors for approval.

Director of Programs Jill Manton stated that Director of Cultural Affairs Luis Cancel, who was delayed in flight from Brazil, requested that she speak on his behalf relative to the item. Ms. Manton stated that the Street Artists Ordinance made it clear that the Street Artists Program had to be cost neutral, that it had to pay for itself from the street artist fees, and not from Arts Commission's administration funds. If the Program's expenditures increase, the street artists have to cover them. In the past year, for example, the Program utilized an unbalanced amount of City Attorney time allotted to all of the Arts Commission's programs; therefore, an amount to cover 65 hours of City Attorney time has been built into the budget for next year.

Commissioner Delaney commented that the Program Director's duties and the amount of staff time had increased significantly by his having to fulfill numerous ongoing requests for public documents in compliance with the Sunshine Ordinance, as well as servicing the requirements of the newly formed Street Artists Liaison Committee. She expressed that, in next year's budget, the amount being requested for outside temporary clerical assistance may be insufficient.

Program Director Lazar discussed the history of the recent fee increases for the Program, a previous gradual usage of fee savings to shore up the Program's annual deficits while gradually raising the fees – until the savings were exhausted and the current fee revenue had to entirely cover the expenses. When the City was plunged into the current economic crisis and general fund money for the Arts Commission lessened dramatically, Lazar stated, Director of Cultural Affairs Cancel called upon all of the Commission's programs – including the Street Artists Program – to pay their just share of the Commission's administrative costs used by the programs; accordingly, the Street Artists Program's budget increased by $32,000 for the current year.

Commissioner Delaney questioned the cost of square footage used by the Street Artists Program office, as well as by the entire Arts Commission.

Director of Finance Kan Htun responded with the costs.

Commissioner Melania called for public comment.

Street Artist Michael Addario discussed the provision for City Attorney cost and stated that the Sunshine Ordinance does not require agencies to utilize the City Attorney in fulfilling public records requests. He went on to criticize the Program Director for (allegedly) inserting into the budget salary raises for his assistant and himself, (allegedly) concealing finances, and for (allegedly) deliberately delaying action to prompt the City Controller for an audit of the Program which resulted in the Controller's refusal to do so. He further told the Commissioners that the budget document itself was not worthy of being voted on since it did not give a breakdown of individual staff salary, pension, medical, and other amounts.

Director of Programs Manton responded that any raises in City budgets were the result of multiple MOU's between representatives of various unions, the Mayor's office, and the Board of Supervisors.

Program Director Lazar clarified that, as an employee of the Arts Commission, he had no authority over the City's Controller in the Controller's decision to do or not do an audit of the Street Artists Program or in other matters of the Controller. He had formally written to the Controller for an audit and had subsequently forwarded to the Commissioners and to Mr. Addario the Controller's written refusal to do an audit on the Program. As for requiring the services of the City Attorney in fulfilling public records requests or other Sunshine Ordinance matters, it was imperative that the City

Attorney review all documents, prior to their disclosure, for possible breach of confidentiality or for other reasons.

At the request of Commissioner Melania, Mr. Lazar presented the proposed budget for 2010-11, line item by line item. The budget, he said, would *not* have required a raise in the artists' fees were it not for the ongoing requests received for public documents resulting in an inordinate amount of staff time spent in research and production of documents. Because of this, the costs of City Attorney time and temporary clerical assistance were added to the budget, resulting in a 7.69% increase in the artists' fee. Currently, the artists pay $616.64 a year for a street artist certificate, or $154.16 for a three-month certificate, or $1.69 per day. The present rate would have remained for next year, he said, were it not for the additional necessary costs which would increase the annual fee to $664.08, the quarterly fee to $166.02, the daily rate to $1.82.

Mr. Lazar added that Director of Cultural Affairs Cancel himself had stated in no less than three public meetings throughout the past year that, unless there would b a decrease in the amount of public records requests, the Street Artists Program would seek an increase in the artists' fees to cover the additional costs of City Attorney time and clerical assistance.

Mr. Lazar further stated his understanding that, according to the Sunshine Ordinance, he was duty-bound to make it a priority to fulfill public records requests in a timely manner, even at the detriment to his other duties of administering and enforcing the Street Artists Ordinance (an ordinance passed by the voters of San Francisco). In the recent hearing of *Michael Addario vs. Arts Commission*, attended by Mr. Lazar, the Sunshine Ordinance Task Force found the Arts Commission in violation of the Sunshine Ordinance by not furnishing documents on time. Mr. Lazar was now expected to return to the Compliance Committee of the Sunshine Task Force in order to tell the Committee what steps the Arts Commission would be taking to ensure that future documents requests would be fulfilled on time. Mr. Lazar wanted to be able to inform the Compliance Committee that the Arts Commission would be corrrecting the problem by obtaining the necessary assistance in fulfilling such requests, and that this assistance would be covered by an increase in the street artist fees.

For further evidence of the necessity to obtain assistance, Mr. Lazar referred the Commissioners to the following two documents: (1) the current *San Francisco Arts Commission Three-Year Strategic Plan*, "Draft version 01", whose page 19 recommended the addition of a part-time temporary employee to assist in researching files for "immediate disclosure requests"; and (2) the Voter's Handbook of the November, 1999 election relative to Proposition "G", Sunshine Ordinance Amendment, containing the "Controller's statement on 'G' " which forecast the costs of additional City staffing required to implement "G".

Mr. Lazar went on to detail the amount of time he has spent in fulfilling public records requests. During the previous year and a half, he responded to no less than 20 requests and prepared for and spoke at Sunshine Ordinance Task Force hearings, all of which cost the street artists 178 hours of his time or $5,601.55 of their Program's budget. This, he said, "robbed" the Program of 178 hours that could have been used by the Program Director in obtaining more selling spaces for the artists, monitoring the artists' booths, and prosecuting street artist violations. Furthermore, because of his having to devote 178 hours to the Sunshine requests, there was currently a backlog of 43 street artist violation cases awaiting his investigation and possible action/prosecution.

Mr. Lazar further reported that, during the previous year (2008-09), the City Attorney spent 65 hours in advising the Street Artists Program.

Commissioner Delaney stated that her concern was that the proposed budget for 208 hours of temporary clerical assistance was not sufficient, that perhaps it should be doubled.

In response to questions by Ms. Manton, Mr. Lazar stated that in the past year and a half of his fulfilling 20 requests for public documents, 19 requests had been sent by, or had involved, the same individual.

Mr. Addario stated that he was the individual who had submitted the requests.

Commissioners Delaney, Melania, and Calloway expressed that the possibility of increasing the amount of hours for outside temp assistance was commensurate with the expected continuance of public records requests. Commissioner Calloway expressed frustration over seeing the public's right to access documents driving up the costs of furnishing documents.

Street Artist Michael Addario stated that he represented the Liaison Committee, that its members were opposed to any increase in the fees, and that he had recommendations to give now.

Commissioner Melania responded that she had ascertained from Mr. Addario earlier in the meeting that it was his own point of view he would be sharing and not necessarily the viewpoints of his fellow members. Therefore, he would be heard in order of the speakers' cards she had received from other artists requesting to be heard. The Commissioner called for public comment.

Street Artist Linda Pedersen stated that, after being in the Street Artists Program for many years, she was now living on her Social Security check, and that any increase in the street artist certificate fee would be a hardship for her. In lieu of raising the certificate fee, she suggested that an increase in the present $20 application fee be considered, and/or that newcomers to the Program pay a higher fee for their first quarter than that paid by current certificate-holders, and/or that seniors in the Program receive a discount of their fees.

Street Artist Edward Steneck described the current difficult economy, the worst Christmas selling season he ever experienced, and the medical and other expenses faced by street artists. Expressing a wish that Mr. Addario had already received all the information he had requested, Mr. Steneck said that there should no longer be a need for the Program to bear City Attorney and temp-help expenses, and that the Program Director should now have time to resume his investigations of violation cases.

Street Artist Lynn Sunday stated that she has been a street artist since 1976, that she receives no service for the fees she pays, that the Program does not protect her from having to compete with other artists and vendors for public dollars, and that the Program does not protect her from the behavior of artists who have emotional problems. She went on to say that while she is one of the fortunate artists who do not have to worry about paying their rent, she and her street artist husband have frequently experienced zero-income days. She called the current buying public "the new frugality."

Street Artist Susan Pete expressed her displeasure in seeing the possibility of a fee increase. The emphasis of the Program, she said, should be in obtaining more selling spaces for the artists; but if Mr. Lazar is unable to spend time in this direction because of his having to fulfill public records requests, the person submitting the requests should cease doing so. Ms. Pete added that, instead of increasing the certificate fee, the Commissioners should consider increasing the application fee – perhaps, to $100 - for new artists.

Street Artist Bill Clark expressed opposition to a fee increase, for three reasons: (1) an attempt should be made to address the Board of Supervisors to return to the Street Artists Program approximately $200,000 in street artist fees the general fund had collected during the early years of the Program; (2) consideration should be given to reducing the number of requested City attorney hours; and (3) consideration should be given to increasing the amount of the application fee.

Street Artist Bob Clark stated that he was no longer in the Street Artists Program because of the costs of previous fee increases. He echoed his brother Bill Clark's statement about the $200,000 that had been retained by the general fund rather than returned to the Program; if the Program were now to receive this money with interest, the street artist fee could be reduced.

Street Artist Michael Addario stated that written public records requests could be abated and the Sunshine Ordinance satisfied if he and other artists could visit Program Director Lazar at his office on a weekly basis to see documents. He opposed a fee increase. He presented computer-generated "pie" charts showing the Program's expenditures, a chart comparing San Francisco's street artist fees with the fees of street artist programs of other California cities and out-of-state cities, and photos of street artists and their displays. He argued that 72% of the street artist fees were paying for the salaries and benefits of the Program's two employees, that San Francisco's street artist fee was triple that of Oakland's, and that the majority of the Program's spaces for street artists were a mere 3 feet by 4 feet in size.

Mr. Addario presented two alternative proposals to a fee increase: "Plan A": Cut the staff in half, making it a one-person staff, reduce licensing time by generating certificates by computer, make all street artist certificates annual certificates only, increase the Advisory Committee's assignments from the present 35 assignments to 70 assignments, and lower the fee to $414; or "Plan B": Reduce the staff to one person in the office; double the Advisory Committee assignments, use the savings to fund broadcast meetings, seminars, survey materials, pamphlets on the Program, and reduce the fee to $587.

Commissioner Melania closed public comment.

Commissioner Delaney expressed support of the idea of increasing the Advisory Committee's assignments and reducing the fee, as well as possibly increasing the application fee and providing discounts for seniors in the Program.

Commissioner Melania stated that such discounts would honor the time spent in the Program by seniors.

Commissioner Calloway acknowledged that the Street Artists Program had to continue as a cost-neutral program, with the possibility of raising the fee. He acknowledged also that it had been a difficult economic year not just for street artists but for all persons in the arts. He favored the idea of having a discount for seniors, and felt that the idea should be explored by the Liaison Committee.

Commissioner Chuang expressed agreement with Commissioner Calloway's remarks.

Commissioner Melania supported the ideas of increasing the application fee and having a senior discount, but these, she said, should be considered for the following year. For the present, her Committee needed to address the issue of increasing the fee to cover the costs of City Attorney time and staff assistance generated by the ongoing public records requests. The Commissioner said that she was sad to see that this was the reason for a fee increase and expressed hope that the public records demands would decrease.

Commissioner Delaney stated that she felt Mr. Addario's presentation offered a positive option for the Program, and that would be to have an outside temporary employee, or perhaps two who are "computer wizards", replace the present full-time employee occupying the position of Program Assistant. She felt that Program Director Lazar could evaluate the temp's level of service and, if necessary, replace that person with another. This would allow room in the budget to produce publications and other materials for the street artists. She questioned the reason for San Francisco's fee being higher than those of other cities.

Mr. Lazar responded that San Francisco offers more business to the street artists than do the other cities that Mr. Addario had cited. San Francisco is rated as the number one tourist destination of the world (*Conde Nast* surveys) and has one of the strongest tourist economies in the world. San Francisco provides the climate for year-round outdoor sales. San Francisco allows street artists in almost all of its major business areas, while other cities do not. Furthermore, what Mr. Addario's charts were *not* showing was the relatively low San Francisco annual street artist fee compared with the egregiously high *weekend* fees of most street fairs and the percentage of artists' sales taken by the fairs' promoters. Mr. Lazar stated that many street artists have told him that they entered the Program because they could no longer afford the entry fees and sales commissions of the street fairs.

Commissioner Calloway stated that, while he knew what it was like to run a department understaffed, he felt it was punitive to raise the fee for all street artists because of the actions of one artist. He wanted to consider other ways to cover the additional costs. Furthermore, he wanted to understand the legal ramifications, if any, if the present Program Assistant were let go.

Mr. Lazar stated that the Program Assistant issue was separate from the one at hand – the ongoing public records requests - and he questioned whether replacing the current full-time Program Assistant with one or two temporary employees would cause the high number of public records requests to abate. If it did not, he would still have to hire a temporary employee – a *third* employee – to assist him in responding to the public records demands and the investigations of violations.

Commissioner Melania called for a motion. No motion was forthcoming.

3. *Discussion*. **Street Artists Liaison Committee's report.**
Street Artists Liaison Committee Chairman Michael Addario reported on the first official meeting of his Committee which was attended by Director of Cultural Affairs Luis Cancel and Street Artists Program Director Howard Lazar. The major discussion of the meeting was about the problem of enforcement and an overriding concern over street artist sales of unlicensed merchandise.

Mr. Addario expressed disappointment over the Liaison Committee's by laws having been changed before the first meeting. He went on to state that his Committee was looking into having volunteers help the Program Director in the office, as well as the Program having computerized annual licenses, which would reduce office time for artists seeking renewals.

Mr. Addario stated that he had heard of many reports from the artists about the office staff being rude and belligerant to them and the staff denying them access to the building's bathrooms. He said that this happens repeatedly, and he

wanted the problem resolved. He concluded by saying that if the Program's staff were downsized, there would be many things that could be done with the Program, and the artists could improve their business.

4. New Business/Public Comment.

Street Artist Bill Clark asked for clarification of the status of the Arts Commission's request for street artist spaces on Hayes Street and the reason for both the Director of Cultural Affairs and the Program Director deciding, without Arts Commission authorization, to not continue pursuing the matter before the Board of Supervisors.

At the request of the Commissioners, Program Director Lazar recounted the history of the matter which included the refusal of the Hayes Street Merchants to negotiate an allowance for any street artist spaces in their vicinity.

There being no further new business or public comment, Commissioner Melania adjourned the meeting at 5:21 p.m.

Respectfully submitted:
Howard Lazar
Street Artists Program Director

January 27, 2010

March 10, 2010

Street Artists Committee - March 10, 2010

STREET ARTISTS COMMITTEE

Wednesday, March 10, 2010
3:00 p.m.
25 Van Ness Avenue, Suite 70

Agenda

1. ***Discussion.*** **Report by Director of Cultural Affairs Luis R. Cancel.**
   a. City's budget impact on Street Artists Program.

2. ***Discussion.*** **Street Artists Program Director's Report.**

3. ***Discussion.*** **Street Artists Liaison Committee's Report.**

4. ***Discussion.*** **New Business/Public Comment.**

5. **Adjournment.**

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March 5, 2010

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Public comment in regard to specific items will be taken before or during consideration of the item.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

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March 10, 2010

Street Artists Committee - March 10, 2010

STREET ARTISTS COMMITTEE

Wednesday, March 10, 2010
3:00 p.m.
25 Van Ness Avenue, Suite 70

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MINUTES

Memberspresent: Sherene Melania, Chair, John Calloway, Amy Chuang, Astrid Haryati
Membersabsent: None

Staffpresent: Director of Cultural Affairs Luis Cancel, Street Artists ProgramDirector Howard Lazar, Street Artists Program Intern Lyla Conrad

CommissionerMelania, Chair, called the meeting to order at 3:07 p.m.

1. *Discussion*.**Street Artists Program Director's Report.**

Movie compensation for adversely affected street artist spaces. Street Artists Program DirectorHoward Lazar reported that filming of the television series *Trauma* hadadversely affected some of the street artist spaces on Leavenworth Street andon Beach Street on February 25th and March 2nd, and that,in keeping with the Arts Commission-Film Commission agreement of 1999, Mr.Lazar requested the film company to pay compensation to the Arts Commission.The film company agreed and will be paying $1,500 to the Arts Commission fordistribution among the artists whose spaces were adversely affected.

Hearing of Sunshine Task Force Complaint Committee. Mr. Lazar reportedthat on March 9th he appeared before the Complaint Committee of theSunshine Ordinance Task Force to respond to several complaints against the ArtsCommission submitted by former street artist certificate-holder Paula Datesh.The Complaint Committee unanimously voted to uphold Mr. Lazar's argument thatMs. Datesh's complaints did not fall within the jurisdiction of the Sunshine Ordinanceand dismissed the complaints.

Presentation of improved (electronic) system of licensing. Mr. Lazarinstroduced his new

assistant Lyla Conrad who was presently fulfilling theStreet Artists Program's certification duties, the Commission's database project,and other matters. In reference to previous Street Artists Committee hearingson improving the licensing procedure as well as the appearance of the streetartist certificate, Mr. Lazar asked Ms. Conrad to give a brief presentation onan electronic system which she was developing for the licensing.

Ms. Conrad outlined a streamlined procedure of digitizing the certificatecards. They will be formatted and filled out in Adobe Acrobat Pro, then printedindividually and laminated (using the Program's current laminator). Theartists' photos will be scanned and printed in color on the cards. Testing ofthe new procedure will begin the following week. While the Program willcontinue to purchase its annual supply of lamination envelopes, the newprocedure will eliminate the cost of outside printing of the certificates. Thetransition process from the old-style certificate to the new is expected totake up to one year to accommodate the range of artists who renew quarterly andannually throughout the year.

Ms. Conrad further stated that, as per the Program Director's request, shewould commence investigation of the establishment of online payment for theartists' convenience. In addition, Ms. Conrad had already entered intodiscussions on producing translations of Program literature in Mandarin,Cantonese, and Spanish. Furthermore, she had entered into discussions onproducing informational videos which could be subtitled or dubbed.

Commissioner Melania congratulated the staff for these developments and stated thather Committee had previously looked into options that had not worked out; shewas pleased that the new system would soon be implemented.

Recreation & Parks Commission RFP for a public market at Justin HermanPlaza. Mr. Lazarreported that the Recreation & Parks Commission had recently taken actioncalling for a *"Request For Proposals for the Installation, Operation, andManagement Of Public Markets at Various Locations in San Francisco"* – thelocations being the parking lot of Candlestick Park, Civic Center Plaza, andJustin Herman Plaza. Mr. Lazar stated that Justin HermanPlaza was of deep concernto the street artists and staff. In 1972, at the start of the Street ArtistsProgram, it was the first and only location given to the artists by the Board ofSupervisors. Prior to this, in 1971, Mayor Joseph Alioto wrote a statementdeclaring "EmbarcaderoPlaza," as it was calledat the time, as an area "for full use" by the street artists. At that time, thelocation was in a wasteland area of the city. But the artists "homesteaded" thelocation even before the creation of the adjacent Hyatt Regency Hotel and the Embarcadero Center complex. Through flush times andlean times, the artists have continued to sell at the Plaza. They evensuccessfully accommodated the farmers market during the years of therestoration of the FerryBuilding (where thefarmers are now located) and during the demolition of the Embarcadero Freewayand installation of the F-line and palm trees along the Embarcadero.

Mr. Lazar stated that his files contain three decades' worth of letters fromgeneral managers and other personnel of Rec-Park annually giving permission tothe street artists to continue using Justin Herman Plaza (subject to Rec-Parkconditions). He stated that the artists have demonstrated a lengthythirty-eight-year history of not only being good neighbors but of developingthe Plaza into a premier destination market place. The artists, he said, weredeeply concerned that Rec-Park's RFP for a market

place would displace them or,in the very least, adversely affect their business.

Mr. Lazar referred the Commissioners to a recent letter sent by Arts CommissionDirector of Cultural Affairs Luis Cancel to Rec-Park General Manager PhilipGinsburg. The letter acknowledged the possibility of an adjacent market placedrawing more pedestrians to the area which could be economically advantageousto the artists, so long as the new market did not displace the artists. Theletter, therefore, urged modification of the Justin HermanPlaza description in theRFP to ensure that there would be no threat to the street artists.

Mr. Lazar stated that Rec-Park's RFP failed to provide a demarcation betweenthe street artists' area and the area for a proposed market place; furthermore,it did not even mention the artists at all or their existing market place inJustin Herman Plaza.

In response to a question by Commissioner Haryati, Mr. Lazar stated that duringthe previous month he had been contacted by Rec-Park staff for backgroundhistory on the street artists at the Plaza. He met with Lev Kushner and NicoleAvril, informed them of the artists' history, and showed them the threedecades' worth of Rec-Park letters annually giving the artists permission touse the Plaza. Mr. Lazar informed them also that an adverse affect on thestreet artists at the Plaza could be devastating because the Plaza was not justan area for them; it was their most premier area – even during thecurrent difficult economy.

Director of Cultural Affairs Luis Cancel stated that, after Mr. Lazar hadconveyed to the Rec-Park personnel his (Cancel's) and Lazar's concern over thenature of the impending RFP, he was led to believe that the Plaza was not goingto be part of the RFP process. When it went forward with the inclusion of thePlaza, and Lazar and he were not further consulted, it was then time to takeformal action and he sent his letter to the Rec-Park general manager.

Mr. Cancel went on to say that the Arts Commission intends to fully press thepoint with Rec-Park, as well as with anyone else in City hierarchy, that theCommission would not favor displacement of the long-standing tradition of theartists at JustinHerman Plaza.

Commissioner Melania acknowledged the thirty-eight-year history of the artistsat the Plaza and stated that, although the artists have other spaces, the Plazawas really the heart of the Program, and her Commission would do everything itcould to protect it for the artists.

Commissioner Calloway stated that it might be necessary to approach the Commissionersof Rec-Park on this issue.

In response to a question by Commissioner Calloway, Director Cancel clarifiedthat Mr. Lazar and he had not been alerted by Rec-Park staff that the RFP wasbeing taken to their Commission for approval and had never been informed thatthe matter was on Rec-Park's agenda.

Before calling for public comment on the issue, Commissioner Melania returnedto the agenda and requested Director Cancel to give his report on the City'sbudget impact on the Street Artists Program.

2.*Discussion*. **Report by Director of CulturalAffairs Luis R. Cancel:**

a) City's budget impact on Street Artists Program.

Director Cancel reported that on the previous Friday the City formally gave anotice to over 17,000 employees that, in sixty days, their positions with theCity for a 40-hour work week would be terminated. If nothing else happensbetween now and May 8th, the City will lose the 17,000 employees.All of the positions at the Arts Commission were given notices of terminationwhich includes the position of the Street Artists Program Director as well asthe currently vacant position of the certification clerk. The strategy of theMayor's office is that, over the next thirty days, the City intends to offerthe majority of the 17,000 individuals a position of a work week consisting ofthirty-seven and a half hours.

Mr. Cancel went on to say that, leading up to the termination notice, therewere many meetings of the Mayor and department heads, during which he, Mr.Cancel, argued for an exemption of the Arts Commission from the masstermination because most of the Commission's staff are not generalfund-supported but are funded by various categories of funds, in particular theStreet Artists Program whose expenses are met by the revenue it generates. Theargument, however, was rejected in order to negate the Civil Service procedureof individuals "bumping" each other by job seniority. The strategy will be toultimately allow the Department of Human Resources to restructure staffingthroughout the City. The Mayor can rescind the termination notice between nowand May 8th.

Mr. Cancel also reported that Ms. Lyla Conrad has been doing a significant jobin helping Mr. Lazar obtain all of the artists' information into digital formatand ultimately allowing artists to pay for their certificates online so thatthey do not have to lose time by coming to the office. Such efficiencies arebeing planned for fruition over the next six months.

Commissioner Melania called for public comment on items 1 and 2.

Street Artist Michael Addario, Chair of the Street Artists Liaison Committee,expressed concerns over his Committee not having been notified as to how thenew digital licensing system would be established, as well as its format, itscost, and the name of the program which will be used.

Mr. Addario further asked whether the staff change will negate any fee increasefor next year.

Street Artist Joanne Fitzsimmons expressed concern over the Rec-Park's RFP duedate of March 26th and the possibility of a new market at the Plazaoccuring 120 days afterward. She urged the Arts Commissioners to support theartists.

Director Cancel responded that the artists should communicate their concerns atthe next meeting of the Recreation & Parks Commission.

Street Artist Jeff Potter asked the Arts Commissioners to take a strong standon behalf of the artists at JustinHerman Plaza.

Commissioner Melania stated that she would do everything she could to advocatefor the artists on this issue.

Commissioner Calloway expressed concern over the effect on the artists byadjacent vendors selling items they do not create – how they would affect theappearance, the quality, and the welfare of the artists at the Plaza.

Commissioner Haryati stated that the intent of the RFP needed to be clarified.She surmised that the department was looking to develop the entire Plaza. Therecould be opportunity for musical performances and cultural expression whichcould help the artists at the Plaza. She wanted to see the artists as the keyrole in activating the Plaza.

Director Cancel referred to his letter to Rec-Park in which he concurred thatactivating the Plaza could increase pedestrian traffic which might help theartists' sales. In activating the Plaza, however, it was imperative that respectbe given to the existing area of the street artists. This needed to bevigorously communicated to Rec-Park.

Street Artist Joanne Fitzpatrick stated that the possible increase of pedestrianand vehicular traffic needed to be considered by the RFP.

3. *Discussion*. **Street Artists Liaison Committee'sReport.**

Street Artist MichaelAddario, Chair of the Liaison Committee, expressed a disclaimer about "phony"e-mai sent out on Facebook pages using his name. He stated his one andonly e-mail address and said that any o address associated with his name wasfraudulent. He believed that there was a former street artist who wa sendingout the fraudulent e-mails, and he spoke with the District District Attorneyabout it.

He asked that the Commissioners consider having the Program save money byallowing the office to be ope on certain days for licensing rather thanhaving it open daily. He also suggested that the office be moved to Hallwhere, he said, the artists would not have to pay rent. Furthermore, if thatwere done, the Program's r could be broadcast on SFGOV-TV. This would helpthe hearing-impaired artists in the Program.

With regard to Rec-Park's RFP, he learned about the matter from a reporter atthe Plaza who inquired abo proposed public market for the Plaza. Mr.Addario researched the matter and found that two public meetin been held byRec-Park on the subject: for the first one, the item had been on the ConsentCalendar portion Rec-Park's agenda, but it had been pulled off Consent and questionedby the commissioners – particularly what was intended to be sold. Mr. Addariostated that he spoke with Rec-Park's Lev Kushner who, Addario still didnot understand why the artists were so upset by the RFP. It appeared that Rec-Park.for the preser was not taking away spaces from the artists. But theartists, he said, were still concerned over the issue of

competition. Fifteenartists met with Rec-Park staff and conveyed a request for postponement of theschedu commencement of a new public market. Mr. Addario said he would forwardthe RFP to the Commissioners asked that they support the artists.

Commissioner Calloway again stated that Rec-Park's intent had to be clarified,as well as what the new m would look like, how it would affect theartists, and whether there would be a set of standards for the new differentfrom those of the Arts Commission's artists.

Street Artist Alice Blandy stated that the biggest question was how a new marketwould affect the artists economically. The artists, already having a difficulttime due to the economy, could not afford the competiti other vendors:unless they are musicians, she said, "We don't want them there."

Commissioner Melania endorsed the idea of musicians to enhance the Plaza andattract customers to the

Commissioner Calloway stated that, while he supported the artists, he did notwant to give the impression Plaza belonged only to them.

Commissioner Melania commended the letter sent by Director Cancel because itadvocated for the Progran stressed the major factor that there is athirty-eight-year history of the artists' presence at the Plaza and th thereis an established Street Artists Program which deserves the respect it is duefrom the City.

There being no new business or further public comment, Commissioner Melaniaadjourned the meeting at p.m.

Respectfully submitted:

Howard Lazar
Street Artists Program Director

March 23, 2010

May 12, 2010

Street Artists Committee - May 12, 2010

STREET ARTISTS COMMITTEE

Wednesday, May 12, 2010

3:00p.m.

25 Van Ness Avenue, Suite 70

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Agenda

1. *Action.* **Hearing andpossible motion to approve ordeny issuance of certificate:**

   JenniferChen – Certificate#7976. Alleged violation: Sellingwith an expired certificate (*StreetArtists Ordinance, Proposition "L" ofNovember 4, 1975 election, Section 7(a)*).

2. *Discussion.* **StreetArtists Program Director's Report.**

3. *Discussion.***Street Artists Liaison Committee's Report.**

4. *Discussion.* **NewBusiness/Public Comment.**

5. **Adjournment.**

Notices

Explanatorydocuments are available for public inspection and copying at the ArtsCommission office,

25 VanNessAvenue, Suite 240, San Francisco,CA94102

during regular business hours. Tel: INFO: (Howard Lazar
415-252-2583begin_of_the_skype_highlighting 415-252-2583 end_of_the_skype_highlighting).

Publiccomment in regard to specific items will be taken before or duringconsideration of the item.

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, San Francisco, CA94102, telephone (415)252-3100
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begin_of_the_skype_highlighting (415)554-7724 end_of_the_skype_highlighting; byfax at (415) 554-7854; or by email at sotf@sfgov.org.

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May 12, 2010

Street Artists Committee - May 12, 2010

STREET ARTISTS COMMITTEE

Wednesday, May 12, 2010
3:00 p.m.
25 Van Ness Avenue, Suite 70

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Members present: Sherene Melania, Chair, John Calloway, Amy Chuang, Astrid Haryati

Members absent: None

Staff present: Street Artists Program Director Howard Lazar, Street Artists Program Intern Lyla Conrad

Other present: David Chan of Safety Awareness For Everyone, acting as Cantonese interpreter for Jennifer Chen hearing

Commissioner Melania, Chair, called the meeting to order at 3:02 p.m.

1. *Discussion*. **Street Artists Program Director's Report.**

Movie compensation for adversely affected street artist spaces. Street Artists Program Director Howard Lazar reported that filming of the television series *Trauma* had again adversely affected street artist spaces and that, in keeping with the Arts Commission-Film Commission agreement of 1999, Mr. Lazar requested the film company to pay the Arts Commission compensation. The film company agreed and paid $750 to the Arts Commission for distribution among the artists whose spaces were adversely affected.

Advice to City of Glendale. Personnel of the City of Glendale contacted the Program Director, lauded the management of San Francisco's Street Artists Program, and sought the Program Director's advice on establishing a similar program for Glendale. Mr. Lazar reported that, in addition to Glendale, he had, through the years, responded with advice to the cities of Austin, Texas; Salt Lake City, Utah; Clearwater and Miami Beach, Florida; Toronto, Canada; Santa Monica and Venice, California; and St. Petersburg, Russia.

Digitized licenses, street artist membership lists, and upcoming online payment system. At Mr. Lazar's

request, Program Intern Lyla Conrad reported on the system she had established for digital production of the artists' certificate cards; she showed the Commissioners samples of the new cards. She further reported on the system she had updated for producing street artist licensee membership lists now being generated weekly (not monthly) for the convenience of the artists running the daily lottery space-assignment procedures. Ms. Conrad also reported on the progress of establishing an upcoming online payment system for the artists' convenience in renewing their certificates.

Costs of fulfilling public records requests and defending Arts Commission at Sunshine Ordinance Task Force hearings. Mr. Lazar reported on the volume of ongoing requests the Program is receiving for copies of public records, his presentation of the Arts Commission's defense against charges at hearings conducted by the Sunshine Ordinance Task Force, and his Program's costs in his salaried time in fulfilling such requests and in attending such hearings. He reported that the total cost - paid by the street artist certificate fees - for the previous year (fiscal year 2008-09) was $2,482, representing 75.50 hours; in contrast, the cost for the current year (2009-10), as of May 12th, was more than double the amount: $5,070, representing 148.20 hours.

Market Street Focus Group. The Mayor's Office required Mr. Lazar's participation in a discussion facilitated by Commissioner Astrid Haryati at the office of SPUR. The purpose of the discussion, entitled a "Market Street Focus Group with Stakeholders," was "to identify a list of immediate activation and improvement, not long term solutions" for revitalizing – or activating – the culturally and economically arid stretch of Market Street from Justin Herman Plaza to 8th Street/Van Ness Avenue. The discussion, which included representatives of the public and private sectors, divided itself into sessions of groups representing block regions of the corridor. Each group discussed possible opportunities to improve the look and use of Market Street.

Mr. Lazar and Program Intern Lyla Conrad participated in the "Justin Herman to 2nd Street" group. Ms. Conrad, who introduced many of the novel ideas that were discussed, was asked by the participants to relate the major points to the entire discussion group. The points included possible bicycle paths and special bike parking; bike "mural tours" to induce biking tourists to travel past the existing storefront murals along the corridor; street artist spaces positioned not curbside but directly in front of the windows of vacant storefronts (to hide a building's look of emptiness); art installations inside vacant properties; nighttime activities such as block parties or "sidewalk soirees" that would invite artists, musicians, and food vendors and encourage the participation of passersby; and thematic interactive events of various activities and sponsors.

Commissioner Haryati commented on these short-term plans for the re-vitalization of Market Street. Future focus group discussions will be held.

Commissioner Melania called for public comment relative to the Program Director's report.

Street Artist Michael Addario, Chairman of the Street Artists Liaison Committee, commented on the public records requests and asked for a cost plan and a hearing on the upcoming online payment system.

Street Artist Maria Hillius requested that the expiration date on the new certificates be larger and bolder.

2. *Action.* **Hearing and possible motion to approve or deny issuance of certificate:**

Jennifer Chen – Certificate #7976. Alleged violation: Selling with an expired certificate ***(Street Artists***

Ordinance, Proposition "L" of November 4, 1975 election, Section 7(a)).

Program Director Lazar discussed the alleged incident, the complaint received by the office, and the previous history of violation and certificate suspension of the defendant, Jennifer Chen. Through the Chair, he called witnesses to give testimony. Mr. David Chan of Safety Awareness For Everyone, interpreted in Cantonese-English and English-Cantonese throughout the hearing.

Street Artist Joyce Kung stated that, while in her car, she and her husband saw Jennifer Chen selling in space "Stockton-1" (Stockton Street) on March 23rd. She telephoned her sister Cheryl Chen (no relation to Jennifer Chen) to ask if Jennifer's certificate was current, and Cheryl discovered through the Program office that it was not current. Ms. Kung later discussed the matter with Street Artist Hui Min Ma who then asked Jennifer to cease selling. Jennifer refused to do so.

Responding to questions by Mr. Lazar, Ms. Kung stated that Jennifer was observed selling from her mother's table, that her mother was present most of the time, and that she, Jennifer, took money for jewelry items which she handed to her customers.

Ms. Kung stated that her husband Man Tak Chin was unable to be present to testify.

Street Artist Hui Min Ma stated that she observed Jennifer Chen exchange money for merchandise and that Jennifer left the stand and returned several times over the course of a few hours. Ms. Ma went to her and told her that she was not allowed to sell without a street artist license, but Jennifer told her that it was none of Ms. Ma's business and that only Program Director Lazar could tell her what to do.

In response to questions by Commissioners Melania and Haryati, Ms. Ma reiterated that she had observed a monetary transaction.

Street Artist Ying Jie (Kong) Chen interjected that he was Jennifer Chen's brother and that there was a conspiracy against his family perpetrated by other street artists who were controlling the spaces on Stockton Street.

Commissioner Melania asked to hear from Ms. Chen.

Street Artist Jennifer Chen stated that, on the day in question, she was not selling but only bringing lunch to her mother. Furthermore, she said that had gone to the Program office that morning to pay for her license, but the office was unable to process the renewal because she did not have a check to cover it.

In response to a question by Mr. Lazar, Street Artists Program Intern Lyla Conrad stated that she licensed Ms. Chen that day at approximately 4:30 in the afternoon.

Street Artist Lian Huan Chen stated that her daughter was only bringing her lunch and that her daughter would never sell without a license.

Street Artist Cheryl Chen stated that she knew that Jennifer Chen's license was expired and had asked Hui Min Ma to tell her not to sell. Cheryl Chen added that she was concerned that Jennifer had a bad attitude and was a poor representative of the Program.

Commissioner Chuang addressed Jennifer Chen in Cantonese, acknowledging that Ms. Chen was young and obviously a good saleswoman, but advising her to try to get along with the other artists and put her talent to better use.

At the conclusion of testimony, the Commissioners discussed the case. It was acknowledged that (a) Ms. Chen had a record of having received previous warnings from the Program Director on January 31, 2009 and February 20, 2009 for selling with an expired certificate; (b) the Program Director, as hearing officer, held a public meeting with her on charges of other alleged violations committed during the months of May through August, 2009, which resulted in Ms. Chen signing a statement that she finally understood the Program's rules and would agree to abide by them; and (c) the agreement was later broken, and the Commissioners suspended her certificate from November 28, 2009 – January 26, 2010 for her refusal to vacate a street artist space which was eligible for the noontime lottery space-assignment and her obstruction of the noontime lottery procedure.

Commissioner Haryati moved that Jennifer Chen be found in violation of the Street Artists Ordinance by selling with an expired certificate; the motion was seconded by Commissioner Calloway and unanimously approved.

Commissioner Calloway moved to suspend Ms. Chen's certificate for a period of three (3) months; the motion was seconded by Commissioner Chuang and unanimously approved.

3. *Discussion.* **Street Artists Liaison Committee's Report.**

Street Artists Liaison Committee member Tad Sky reported that the Liaison Committee was pleased with the Program Intern's work. Noting the concept of "liaison," however, he asked that there be a better partnership in communication between the Program Director and the Committee in various matters of personnel and other program issues. He stated that complaints about the previous Program Assistant had been ignored, and that the Liaison Committee had been denied information about the circumstances surrounding the Assistant's departure from the Program. He stated that the Program Director had failed to inform the Liaison Committee of his initial discussions with Recreation-Park personnel regarding Rec-Park's proposals for an additional market at Justin Herman Plaza. He also stated that the Program Director's draft of the Liaison's December minutes left out the Committee's discussion on personnel issues.

4. *Discussion.* **New Business/Public Comment.**

Street Artist Michael Addario criticized Program Director Lazar's performance in managing the Street Artists Program and accused him of covering up information and being "mendacious" in his actions.

With permission of the Chair, Mr. Lazar responded to the issues raised by Liaison Committee members Tad Sky and Michael Addario, giving his understanding of areas of information for which street artists were legally entitled and other areas for which they were not.

There being no new business or further public comment, Commissioner

Melania adjourned the meeting at 4:40 p.m.

Respectfully submitted:

Howard Lazar
Street Artists Program Director

July 14, 2010

Street Artists Committee - July 14, 2010

STREET ARTISTSCOMMITTEE

Wednesday, July 14, 2010

3:00 p.m.

25 Van Ness Avenue, Suite70

GOVERNMENT
DOCUMENTS DEPT
FEB 21 2015
SAN FRANCISCO
PUBLIC LIBRARY

Agenda

1. *Action.* **Hearing and possible motion to amendArts Commisson Resolution # 1209-96-585 (December 9, 1996) by replacing alimitof three (3) arts or crafts with a limit of two (2) arts or crafts whichanyapplicant may submit for verification at a single screening/meeting oftheAdvisory Committee of Street Artists and Craftsmen Examiners; limit oftwoarts/crafts to commence upon approval of full Arts Commission.)**

   (submitted by Street Artists ProgramDirector)

2. *Discussion.* **Street Artists ProgramDirector's Report.**

3. *Discussion.* **Street Artists LiaisonCommittee's Report.**

4. *Action.* **Hearing and possiblemotion to approve withdrawal of warning**

   Leah Mazor – Certificate # 5479 - "Notice of Warning" issuedApril 15, 2010 by Program Director to Ms. Mazor for allegedly selling atJustinHerman Plaza items (chocolate truffles) intended for human consumption;requestby Ms. Mazor for hearing to consider overruling Program Director'sdecision torefuse to

withdraw warning.

5. *Discussion*. **New Business/PublicComment.**

6. **Adjournment.**

July 8, 2010

Notices

Explanatorydocuments are available for public inspectionand copying at the Arts Commission office,

25 Van Ness Avenue, Suite 240, SanFrancisco, CA94102

during regular businesshours.Tel: INFO: (Howard Lazar 415-252-2583).

Public comment inregard to specific items will be takenbefore or during consideration of the item.

The ringing of and use of cell phones, pagers and similarsound-producingelectronic devices are prohibited at this meeting. Please be advisedthat theChair may order the removal from the meeting of any person(s)responsible forthe ringing or use of a cell phone, pager, or other similarsound-producingelectronic devices.

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Suite 220

, San Francisco, CA94102, telephone(415)252-3100, fax (415) 252-3112 and **website**.

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July 14, 2010

Street Artists Committee - July 14, 2010

STREET ARTISTS COMMITTEE

Wednesday, July 14, 2010

3:00 p.m.

25 Van Ness Avenue, Suite 70

MINUTES

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Members present: Sherene Melania, Chair, John Calloway, Amy Chuang
Members absent: Astrid Haryati
Staff present: Director of Cultural Affairs Luis R. Cancel, Street Artists Program Director Howard Lazar, Street Artists Program Assistant Alyssa Licouris

Commissioner Melania, Chair, called the meeting to order at 3:16 p.m.

1. *Action.* **Hearing and possible motion to amend Arts Commission Resolution #1209-96-585 (December 9, 1996) by replacing a limit of three (3) arts or crafts with a limit of two (2) arts or crafts which any applicant may submit for verification at a single screening/meeting of the Advisory Committee of Street Artists and Craftsmen Examiners; limit of two arts/crafts to commence upon approval of full Arts Commission.)**
(Submitted by Street Artists Program Director)

Program Director Howard Lazar introduced the amendment to Resolution #1209-96-585 and stated that, an applicant was not limited to the number of arts/crafts for submittal at one time at the screening/meeting of the Advisory Committee of Street Artists and Craftsmen Examiners. Applicants would bring sometimes six (6) different arts or crafts to be screened. In 1996, Resolution

#1209-96-585 was passed which limited the arts or crafts to three (3) per person per screening/meeting. In recent years, it has become more difficult for the Committee to accommodate the regularly scheduled 25 applicants during the screening because Advisory Committee members have become much more thorough at investigating each artist's wares. They also have many rescreening cases, therefore taking up slots available to other artists.

Commissioner Chuang moved to amend Resolution #1209-96-585 to replace a limit of three (3) arts or crafts with a limit of two (2) arts or crafts which any applicant may submit for verification at a single screening/meeting of the Advisory Committee of Street Artists and Craftsmen Examiners; the motion was seconded by Commissioner Calloway

Commissioner Melania called for public comment relative to this amendment.

Street Artist Mary Mackley expressed that the amendment is discriminatory towards new artists like herself and her sister, Michelle Mackley. Cutting back to two (2) crafts hinders their enterprise since there are many start up costs associated with the Street Artists Program. Ms. Mackley stated that they should have amended the Resolution many years ago and did not understand why it has suddenly become an issue. She agreed that the Advisory Committee is thorough, but also it is efficient. Commissioner Calloway interjected and asked Mr. Lazar if this was a staff capacity issue with which Mr. Lazar agreed. Ms. Mackley ended by saying she believes the Commissioners should decline this motion.

Street Artist Michael Addario agreed with the Commissioner's motion to approve this amendment. He stated that it is good to be thorough to make sure artists make their own work, since once someone is in the program, it is hard to get them out even if they are the most egregious violator. Mr. Addario reminded the Commissioners that the artists are competing against one another, and limiting the number of arts or crafts would be beneficial for others already in the program.

The motion was unanimously approved.

2. *Discussion.* **Street Artists Program Director's Report.**

Introduction of new Program Assistant Mr. Lazar introduced the new Street Artists Program Assistant, Alyssa Licouris.

Translation Project Mr. Lazar reported that the Street Artists Program staff has been working on translating a "How to Obtain Certificate" document into Traditional Chinese and Spanish. This document includes details on the screening process, general information about license requirements and other necessary documents. Artists may view this PDF on the Program's website. Hardcopies will be available in the Street Artists Program office. This project should be completed by the end of July.

Online Payment System Mr. Lazar has spoken to the Treasurer & Tax Collector (TTX) office regarding the proposed online payment system. It has been estimated that it will be about three months until it is set up. The Treasurer & Tax Collector informed him that the reason for the hold up is that there are many applications ahead of the Street Artists Program's, not to mention their own department projects as well, and they are short on manpower. TTX strongly suggested using Link2Gov rather than another outside company. A committee will be formed made up of TTX personnel and IT staff in order to review applications and choose "easier" applications for immediate implementation. Mr. Lazar hoped that the Street Artists Program's application would be chosen early.

United Nation Plaza The Mayor's Office of Economic Development has been planning to develop the UN Plaza area by adding more public markets. There are regular farmers markets two days a week along with a flea market. The Mayor's Office approached Mr. Lazar to see if there are interested artists who want to participate in a market on Tuesdays alongside flower vendors. Tad Sky, Market Manager, got 15 artists to agree to participate starting July 6. However, the flower vendors were not ready to start. The Mayor's Office will contact Mr. Lazar once the flower vendors are ready.

Number of Street Artists & Screening updates Currently there are 421 licensed artists. The July screening has been full for a few weeks now, and the August screening only has 5 spots left. There are 25 slots allotted per screening.

Significant Enforcement Measures First, Mr. Lazar and Ms. Licouris are meeting with street artists to draft a set of rules for the lottery for three Cliff House spaces. Since the Cliff House spaces began, the artists always loosely followed the Downtown/Wharf lottery rules. With two new groups at the Cliff House, it will help solve problems if a site-specific set of rules is created. The next meeting is scheduled for July 19, 2010 from 10 a.m. – 12 p.m. It is hoped a finished set of rules will be presented to the Street Artists Program Committee by the September meeting and that they can be recommended to the full Arts Commission in October.

Secondly, there will be a special screening meeting on July 20, 2010 from 9:30 a.m. – 11:30 a.m. on three artists to review their work for knit hats. There has been controversy as to how their hats are

made. They are screened as handmade but there have been complaints that they are machine made. If that is the case, it will be up to the Advisory Committee to determine that the artists were using machines to make their hats.

Thirdly, a Program Director's hearing has been scheduled for July 27, 2010 at 10a.m. on an artist's request that a written warning be withdrawn from his record.

Commissioner Melania called for public comment relative to the Program Director's report.

Street Artist Michael Addario, Chairman of the Street Artists Liaison Committee, requested that the Street Artists Program staff send all public meeting agendas through email to the Liaison Committee so its members are aware of what is going on in the program. It was agreed that the Street Artists Program staff would send out the agendas of public meetings by email to all participants of the Street Artists Program.

3. *Discussion.* **Street Artists Liaison Committee's Report.**

Street Artist Michael Addario, Chairman of the Street Artists Liaison Committee reported that the Committee has not met since the last Street Artists Committee meeting. However, Mr. Addario has talked to a few of the Liaison members about his concern regarding the Fisherman's Wharf Public Realm Plan. The Planning Department has decided to begin a major remodel of the Fisherman's Wharf area. Mr. Addario fears this plan will be harmful to the street artists who use the Jefferson Street and Beach street spaces. The only mention of the street artists in the plan is on page 14 where it says ""Narrow sidewalks and clutter from street vendors detract from the walking environment." Mr. Addario has contacted Project Manager & Lead Planner, Neil Hrushowy, for a meeting in order to discuss where the street artists fall within the plan. Mr. Addario is mainly concerned with the fact that the street artists are not mentioned and hopes this meeting will help include the street artists in the plan since it is still somewhat early in the planning process.

Director of Cultural Affairs, Luis R. Cancel and Program Director Lazar requested to be a part of this meeting with the Planning Department.

Mr. Addario wanted to recognize the volunteers within the program who are not reimbursed for their time and hard work they contribute to the program.

4. *Action.* **Hearing and possible motion to approve withdrawal of warning**

Leah Mazor – Certificate # 5479 - "Notice of Warning" issued April 15, 2010 by Program Director to Ms. Mazor for allegedly selling at Justin Herman Plaza items (chocolate truffles) intended for human consumption; request by Ms. Mazor for hearing to consider overruling Program Director's decision to refuse to withdraw warning.

Program Director Howard Lazar gave a brief chronology of Ms. Mazor's case. Mr. Lazar first received a complaint over the phone on February 2, 2010. A warning was sent to Ms. Mazor for violating the Street Artists Ordinance (Ord. 41-83), Section 2401 which bans selling items intended for human consumption. Ms. Mazor requested a hearing with the Program Director to withdraw the warning. Street Artist Pat Lloyd testified as a witness against Ms. Mazor during this hearing. Ms. Mazor produced a petition of street artists who approved of Ms. Mazor's activities. Mr. Lazar noted that the only other document Ms. Mazor provided at the hearing was a food handling permit for Alameda. She did not have a peddler's permit, a permit from the Department of Public Heath or a permit from the Recreation-Park Department. Mr. Lazar that the warning was still valid. Ms. Mazor requested a hearing in front of the Street Artist's Committee.

Mr. Lazar gave copies of a letter from Street Artist Jo Ann Fitzsimmons to the Commissioners who supported Ms. Mazor.

Mr. Lazar stood behind his decision to give Ms. Mazor a warning. Ms. Mazor, he said, never consulted the Arts Commission, Rec-Park, or the Street Artists Program staff before she distributed the truffles and accepted "donations" for them. Ms. Mazor not only violated the Street Artists Ordinance but also Rec-Park policy which emphatically prohibits the distribution of food on its property without Rec-Park permission. Lastly, the street artists are guests of Rec-Park and would like to continue to have a good working relationship in order to stay at Justin Herman Plaza.

Ms. Mazor stated that she was giving away truffles to friends and was not working as a street artist on the day of the incident. According to Ms. Mazor, she is a private citizen and the Street Artists Program has no control over her private life. Ms. Mazor has witnessed many people selling food items near or on the plaza and they do not get stopped by Rec-Park. She agreed to talk to Rec-Park if they contacted her.

Commissioner Calloway asked Ms. Mazor if she had a space at Justin Herman Plaza on the day of the

incident, and Ms. Mazor replied that she had not and could prove it with her FasTrak account since she uses it when she comes to work. Commissioner Calloway noted that in some parts of Civic Center it is not allowed to even give food to the homeless because it is an issue of public health. Commissioner Calloway agreed that, even if Ms. Mazor was not working that day, her giving away the food items could be an issue for Rec-Park.

Commissioner Melania noted that Ms. Mazor is a member of the Street Artists Program and, although she did not work on the day of the incident, she still held a Street Artist license. Furthermore, while she is in Justin Herman Plaza, she must abide by the rules of the Street Artists Program.

Mr. Lazar added that a 1983 letter from the City Attorney in the Street Artists Program handbook of rules states that the Arts Commission has jurisdiction over street artists in designated and non-designated areas and prohibits street artists selling in non-designated areas without peddlers permits. Mr. Lazar reiterated that even a private person needs a permit from Rec-Park to distribute food related items.

Director of Cultural Affairs Luis R. Cancel asked Ms. Mazor if she was part of the Street Artists Program on the day of the incident. Ms. Mazor responded she has been a member of the program for the past 16 years.

Commissioner Chuang reminded Ms. Mazor that a warning is not as severe as a suspension of certificate. Commissioner Chuang claimed Ms. Mazor should be aware that selling food is not allowed and advised her to take the warning and to not continue to distribute or sell food items at the Plaza.

Commissioner Melania restated that the Street Artists Program has a small amount of rules and they should be followed. Since Ms. Mazor was selling food under the Street Artists jurisdiction, she needed to follow the Street Artists Program rules.

Commissioner Melania called for public comment relative to the hearing case.

Street Artist Michael Addario expressed that Ms. Mazor sells a good product and she should expand the business of her truffles. However, he agreed with the Commissioners that street artists should not be allowed to sell or donate food to other artists. He reminded the Commissioners that an issue like the truffle incident can put all street artists in the spotlight of Rec-Park which they would not want to do. The street artists are guests of Rec-Park and want to continue to have a friendly relationship with the department in order to stay in Justin Herman Plaza.

Commissioner Melania called for a motion on her warning. No motion was forthcoming.

Street Artist Sureyya Oszoy stated that she has witnessed Mr. Mazor accept $1 per truffle many times since the end of February. She has also seen her hand out her truffles to customers but she was unsure if they gave her money for them. Ms. Oszoy applauded the Committee for keeping the warning since she believed it is important to uphold the rules.

5. *Discussion.* **New Business/Public Comment.**

Street Artist Michael Addario stated that there are many fictitious emails being created by another person in his name. He wanted to remind the staff and Commissioners of his correct email address. He is working with the authorities to get this resolved. He suggested not engaging in any way with any email from him unless it is from his correct email address.

Street Artist Tad Sky, Liaison Committee member & Market Manager of Justin Herman Plaza, informed the Commissioners that he will be stepping down from his position as Market Manager at the end of the year. He suggested that the Street Artists Program hire someone to take this position once he leaves since it is extremely time consuming. Mr. Sky estimated that his job takes at least 50 hours per week.

There being no new business or further public comment, Commissioner
Melania adjourned the meeting at 4:37 p.m.

Respectfully submitted:
Alyssa Licouris, Street Artists Program Assistant

Minutes approved by:
Howard Lazar, Street Artists Program Director

September 8, 2010

Street Artists Committee - September 8, 2010

STREET ARTISTS COMMITTEE

Wednesday, September 8, 2010

3:00 p.m.

25 Van Ness Avenue, Suite 70

GOVERNMENT DOCUMENTS DEPT
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Agenda

1. *Action.* **Hearing and possible motion to approve issuance of certificate or renewal of certificate**.

Jian Liang Zhao – Certificate #7298. "Notice of Withholding of Certificate or Renewal Pending Hearing" issued to Mr. Zhao for the following alleged violations of the Street Artists Ordinance (Ord. 41-83): (1) Conducting business in an improper manner (soliciting business away from other street artists), 9/6 and 12/23/09; (2) Failing to maintain a pedestrian passageway of 8 feet, 7/27/10; (3) Conducting business in an improper manner (overcharging a customer), 7/28/10.

2. *Action.* **Hearing and possible motion to approve issuance of certificate or renewal of certificate.**

Steven Goldberg – Certificate #5142. "Notice of Withholding of Certificate or Renewal Pending Hearing" issued to Mr. Goldberg for the following alleged violations: Conducting business in an improper, hazardous manner (1) Sexual harassment of a street artist; (2) Threatening a street artist; (3) Interfering with lottery space-assignment procedures, 7/30 and 8/10/10.

3. *Action.* **Hearing and possible motion to recommend approval of Advisory Committee of Street Artists and Crafts Examiners screening criteria for "Slumped/Flattened Bottles and Labels"; implementation of criteria to commence thirty (30) days after approval by Full Arts Commission:**

Recommended criteria:

a) A raw commercially-manufactured bottle must be cleaned, prepared, slumped, and finished by the street artist.

b) The bottle must show a substantial or significant transformation of its commercial elements by the artist.

c) A bottle's commercial label or applied images which are not created by the artist must be substantially altered to reflect significant input by the artist to the item as a whole. If the artist does not significantly alter the label or applied images, the artist may embellish the bottle itself; but the embellishment must visually outweigh the unaltered commercial label or images.

4. *Discussion.* **Street Artists Program Director's Report.**

a) Report on proposals for amending lottery space-assignment procedures.

5. *Action.* **Hearing and possible motion to authorize Program Director to request Board of Supervisors continuation of designation of plaza located at 17th Street/Castro Street as an area for street artists with the exception of certain days in which the plaza shall be used exclusively for a street fair such as the Castro Street Fair or Castro CBD-sponsored events.**

6. *Action.* **Hearing and possible motion to approve recommendations of Street Artists Liaison Committee meeting of August 11, 2010:**

a) Recommendation for Arts Commission to request street artist selling spaces on Port of San Francisco property adjacent to Pier 33 and Pier 35.

b) Recommendation for Advisory Committee of Street Artists and Crafts Examiners to implement, in monitoring street artist displays, a checklist of adherence to regulations by each artist monitored.

c) Recommendation for Arts Commission to appoint at least one (1) member of Street Artists Liaison Committee to also serve as a member of the Street Artists Committee.

7. *Discussion.* **Report by Street Artists Liaison Committee.**

8. *Discussion.* **New Business/Public Comment.**

9. Adjournment.

September 3, 2010

Notices

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Francisco, CA 94102 during regular business hours. Tel: INFO: (Howard Lazar 415-252-2583).

Public comment in regard to specific items will be taken before or during consideration of the item.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

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September 8, 2010

Street Artists Committee - September 8, 2010

STREET ARTISTS COMMITTEE

Wednesday, September 8, 2010

3:00 p.m.

25 Van Ness Avenue, Suite 70

GOVERNMENT DOCUMENTS DEPT
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Minutes

Members present: Greg Chew, Chair, John Calloway, Amy Chuang, Jessica Silverman
Members absent: Sherene Melania
Staff present: Director of Cultural Affairs Luis R. Cancel, Street Artists Program Director Howard Lazar, Street Artists Program Assistant Alyssa Licouris

Commissioner Chew, Chair, called the meeting to order at 3:02 p.m.

The Commissioners expressed thanks for Commissioner Melania's service as previous chair of the Committee.

1. *Action.* **Hearing and possible motion to approve issuance of certificate or renewal of certificate.**

Jian Liang Zhao – Certificate #7298. "Notice of Withholding of Certificate or Renewal Pending Hearing" issued to Mr. Zhao for the following alleged violations of the Street Artists Ordinance (Ord. 41-83): (1) Conducting business in an improper manner (soliciting business away from other street artists), 9/6 and 12/23/09; (2) Failing to maintain a pedestrian passageway of 8 feet, 7/27/10; (3) Conducting business in an improper manner (overcharging a customer), 7/28/10.

Program Director Lazar introduced the first alleged violation against Mr. Zhao. Street Artist Lian Guang Yuan was called to speak in front of the Commissioners about his complaint. His translator, Mr. Tom Tam, read Mr. Yuan's letter of complaint aloud. The letter described Mr. Zhao denigrating Mr. Yuan's artwork to Mr. Yuan's customer and took the customer away from him. Mr. Yuan verified that the letter was true and spoke about another complaint where Mr. Zhao crumpled up a drawing at a customer after they would not buy the drawing.

Street Artist Dick Knoble was involved in the incident of Mr. Yuan and was called to speak in front of the Commissioners. Mr. Knoble verified that his space was between Mr. Yuan's and Mr. Zhao's spaces. Mr. Knoble saw Mr. Zhao make a thumbs down gesture behind Mr. Yuan while Mr. Yuan was drawing a portrait of his customer.

Mr. Lazar introduced the second alleged violation against Mr. Zhao. The artist who complained was not present but Mr. Lazar presented the photographic evidence that showed Mr. Zhao in the pedestrian passageway. Street Artist Sandra Alexander stated she had seen Mr. Zhao in the pedestrian passageway numerous times.

Mr. Lazar introduced the third alleged violation against Mr. Zhao. Ms. Sandra Alexander was called to speak in front of

the Commissioners about her complaint. Although she did not witness the event, she spoke to police officers afterwards about how Mr. Zhao overcharged customers. The police officers made Mr. Zhao return the money to the customers. Ms. Alexander believed the amount was around $50.

Mr. Zhao was called to speak about these alleged violations with the help of translator, Amanda Chen provided by the Street Artists Program. Mr Zhao stated he had never harassed the first plaintiff in his booth, and that many customers go to Mr. Yuan's booth and then come to Mr. Zhao and ask if it is a good drawing or not. Mr. Zhao only gives his opinion. According to Mr. Zhao, Mr. Yuan will come to his booth and make the same gestures so it is only fair for Mr. Zhao to do the same gestures back.

Regarding the second alleged violation, Mr. Zhao was very apologetic that his booth was in the pedestrian walkway. Mr. Zhao said that sometimes he forgets about his surroundings when he draws and can be easily distracted by his work. Mr. Zhao promised it would not happen again.

Regarding the third alleged violation, Mr. Zhao showed the Commissioners his price list which stated $25 for a portrait. For two people, it would be $50 for two portraits. Mr. Zhao said that there were two customers who asked for a portrait and when Mr. Zhao was finished, they only had $13. Street Artist Chao Ju Chang was a witness for Mr. Zhao. Mr. Chang said Mr. Zhao only took $13 from the customer but then the woman of the couple called the police officer and ordered Mr. Zhao to give the money back. The woman said they didn't understand that they had to pay for a portrait. Mr. Zhao kept the portrait and gave back the money to the couple. Mr. Zhao said it took 45 minutes to complete the portrait.

Commissioner Calloway asked if the Street Artists Program had a code of ethics. On page 59 of the Street Artist Blue Book in the chapter titled "Occupying a Space", there is a section called "Correct Behavior While Occupying a Space: Some Recommendations." Recommendation #21 stated "Respect the business of your fellow street artists. Do not enter their spaces without permission. Do not get in the way of their customers. Do not distract their customers by making loud noises or by using offensive language. (If you have visitors at your display who behave in this way, you may be held responsible for conducting business in a disorderly or improper manner".) Do not allow your customers to block or interfere with the displays of your neighboring artists."

Commissioner Chew stated that he is disheartened that there are so many complaints about Mr. Zhao.

Commissioner Chuang stated that alleged violation #1 and #2 have enough support but #3 does not have conclusive evidence.

Both Commissioners Chew and Silverman agreed that the photo from alleged violation #2 does not completely give enough evidence but there are so many complaints against Mr. Zhao that something needs to be done.

Mr. Lazar noted that he as a hearing officer conducted a hearing with Mr. Zhao in 2008 where Mr. Zhao signed a statement which agreed that he would not break any more street artists rules. Mr. Lazar also noted for Commissioners to focus on the three alleged violations and not any additional violations which were brought up at the meeting.

Commissioner Calloway moved that Mr. Zhao be found in violation for conducting business in an improper manner by soliciting business away from other street artists; the motion was seconded by Commissioner Silverman; and unanimously approved.

Commissioner Calloway moved to approve issuance of certificate or renewal of certificate for Mr. Jian Liang Zhao with a 30 day suspension; the motion was seconded by Commissioner Silverman, and unanimously approved.

2. *Action.* **Hearing and possible motion to approve issuance of certificate or renewal of certificate**.

Steven Goldberg – Certificate #5142. "Notice of Withholding of Certificate or Renewal Pending Hearing" issued to Mr. Goldberg for the following alleged violations: Conducting business in an improper, hazardous manner (1) Sexual harassment of a street artist; (2) Threatening a street artist; (3) Interfering with lottery space-assignment procedures, 7/30 and 8/10/10.

Street Artist Steven Goldberg was called to speak in front of the Commissioners. He stated that he received his Notice of Withholding letter on August 16, 2010. He requested copies of the audio recording of the incident and did not receive them until Tuesday, September 7, 2010. He stated that the recordings were supposed to be over 10 minutes long and were both 2 minutes each. Mr. Goldberg has requested an opportunity to defend himself and would like to reschedule this matter to the November Street Artists Committee meeting so he has adequate time to prepare.

Commissioner Chew asked if this is a criminal or civil infraction and what type of authority the Arts Commission has over this matter. Mr. Lazar stated that the case was under the Administrative Code and is under the Arts Commission's purview. Mr. Chew stated that the Street Artists Committee believes this is a serious matter and that the Committee needs more time to address this issue. Mr. Chew agreed that it should be continued to November 10, 2010. Mr. Lazar stated the problem that Mr. Goldberg's license would expire on September 11, 2010.

Commissioner Chew moved to continue the item to the next regularly scheduled Street Artists Committee meeting and to approve the renewal of Mr. Goldberg's license; the motion was seconded by Commissioner Silverman.

Commissioner Chew called for public comment relating to this matter.

Street Artist Michael Addario suggested that the artist who filed the complaint should speak.

Street Artist Amanda Nordquist, who filed the complaint about Mr. Goldberg stated that full recordings of the incidents were on Ms. Sarah Huntoon's iphone but, after many difficulties trying to get the files onto the computer, they decided to cut the recordings and bring those edited versions because they did not want to waste any more time. Ms. Nordquist noted that the serious issues in the excerpts of the files were present in the version given to the Street Artists Program office which, she stated, portrays Mr. Goldberg's irrational behavior. Ms. Nordquist briefly described a few details of her complaint including language Mr. Goldberg has used against her, Ms. Sarah Huntoon and Mr. Marc Melancon. Ms. Nordquist wanted to read her letters of complaints to the Commissioners but they had received the letters in their packets from Mr. Lazar. Ms. Nordquist stated she does not feel safe around Mr. Goldberg.

Street Artist Trevor Burkhart agreed that the issue at hand is very important and that there are valid reasons to grant a continuance of the alleged incident since there is a lot of information to be discussed.

Street Artist Marc Melancon spoke to defend Ms. Nordquist. He stated he is also uncomfortable working at the Cliff House/Point Lobos location with the current rivalry between artists at that location. Mr. Melancon stated that Street Artist Toney Burkhart hit him in August 2009. Mr. Melancon stated that he did not feel it is fair to grant a continuance of the issue involving Mr. Goldberg.

Street Artist Sarah Huntoon defended Ms. Nordquist. Ms. Huntoon stated that there have been ongoing issues at the Cliff House location. She brought up an incident involving Mr. Trevor Burkhart's first day as a street artist and when he requested her to show her license. She was disappointed in the decision of the Committee to issue a continuance. She stated that the lottery procedures are disrupted on a regular basis due to inappropriate, aggressive, interruptive behavior by other artists which can be very intimidating.

Director of Cultural Affairs Luis Cancel assured the attendants of the meeting that the San Francisco Arts Commission takes these accusations very seriously which is why there needs to be a more thorough investigation than the meeting of September 8, 2010 will allow. The issue will be fully addressed at the next Street Artists Committee meeting with testimony from all witnesses. The issue will be dealt with seriously.

Mr. Chew agreed that the Street Artists Committee did not want to make hasty decisions.

Ms. Silverman added that it is important for the Street Artists Committee to listen to the recordings.

The motion was unanimously approved.

3. *Action.* **Hearing and possible motion to recommend approval of Advisory Committee of Street Artists and Crafts Examiners screening criteria for "Slumped/Flattened Bottles and Labels"; implementation of criteria to commence thirty (30) days after approval by Full Arts Commission:**

Recommended criteria:

a) A raw commercially-manufactured bottle must be cleaned, prepared, slumped, and finished by the street artist.

b) The bottle must show a substantial or significant transformation of its commercial elements by the artist.

c) A bottle's commercial label or applied images which are not created by the artist must be substantially altered to reflect significant input by the artist to the item as a whole. If the artist does not significantly alter the label or applied images, the artist may embellish the bottle itself; but the embellishment must visually outweigh the unaltered commercial label or images.

Program Director Lazar introduced the recommended criteria. He stated that the main reason why the issue has come up is because the label, which is not made by the artist, seems to be clinching the sale for the artists. According to the City Attorney, the Arts Commission is allowed to enhance it's screening criteria of any street artists product. The Advisory Committee held a meeting to draft criteria for this issue. Although item C allows a commercial label, it still requires that the artist significantly adorn the bottle so the label does not draw the attention of the viewer.

Commissioner Chaung moved to recommend approval of Advisory Committee of Street Artists and Crafts Examiners screening criteria for "Slumped/Flattened Bottles and Labels"; implementation of criteria to commence thirty (30) days after approval by full Arts Commission; the motion was seconded by Commissioner Silverman.

Street Artist Tad Sky, a Liaison Committee member, approved all of the criteria recommended by the Advisory Committee. He agreed that the criteria needed to be drafted in order to make the Slumped/Flattened bottles a legitimate craft.

Street Artist Pat Lloyd introduced herself as the artist who started the Slumped/Flattened bottle movement. She came from Key West, Florida. Many artists, she stated, have duplicated her in the program by using her product, business name and display. Ms. Lloyd has requested a hearing many times but instead there has been a meeting about criteria. She also stated that many other bottle artists use images from online sources and that there are copy right issues.

Street Artist Michael Addario, Chair of the Liaison Committee, stated that item C of the criteria seems to be a loop hole so artists can use commercial labels. He does not believe any commercial labels should be allowed in the program. He found an Administrative Code section that states that it is illegal to promote tobacco/alcoholic products on City property. He addressed the problem that changing the criteria could displace other artists.

Commissioner Chew asked Ms. Lloyd if any corporate companies like Jim Bean have contacted her regarding the use of their labels. Ms. Lloyd said no but many other companies have given her their labels to make customized bottles for them.

Director of Cultural Affairs Cancel asked Mr. Lazar how many artists would affected by this change in criteria. Mr. Lazar responded: nine artists. With the new criteria in place, these nine artists would be rescreened and are either expected to make their own labels or embellish the bottles so that the label is no the dominant focal point of the item.

Commissioner Silverman interjected that she doesn't have as big of an issue with the labels because of the history of ready made art but she understands that the program is based on handcrafted items.

Mr. Lazar stated that the Street Artists Program is based on the artists making and selling their own arts and crafts which they have predominately created or significantly altered.

Commissioner Chew agreed that "borrowed interest" does not sit well with him.

The motion was unanimously approved.

4. *Discussion.* **Street Artists Program Director's Report.**

Weekly Cliff House meeting with Cliff House artists: Mr. Lazar and Ms. Licouris have been meeting regularly with the Cliff House artists to draft a set of rules and regulations for the 3 designated spaces located at Point Lobos. A rough draft of the rules and regulations will be ready for the November Street Artists Committee meeting.

Public records requests and Sunshine Task Force items: Beginning on July 1, 2010, Mr. Lazar has spent 16 hours fulfilling public record requests and Sunshine Task Force duties.

Studio visits: The Street Artists Program staff and the Advisory Committee have completed 2 studio visits recently. On August 25, 2010, there was a studio visit involving a family which sells flattened bottles. On Sept 1, 2010, the studio visit was to determine if a family unit created tied dyed apparel.

Street monitoring: Mr. Lazar has been visiting the streets artists at their sties lately due to many complaints about display size violations. Mr. Lazar has issued many warnings to enforce the display size regulations and now many of those artists are in compliance.

Program Director hearings: In July 2010, there was a hearing involving an artist who wanted a warning removed from the records. Mr. Lazar did not withdraw the warning.

Press: On July 22, 2010 in the SF Chronicle, the Street Artists Program was highlighted in an article which focused on lunchtime activities at Market and Steuart Streets. The article included a photo of street artist Joso Vidal.

Fisherman's Wharf lottery rules: There have been many disagreements with certain lottery procedures at the Fisherman's Wharf lottery. There are 2-3 proposals in progress from various street artists concerning this debate. Mr. Lazar would like to have this issue heard at the November Street Artists Committee meeting. The City Attorney has stated that the Arts Commission has discretionary power over the lottery rules and advised that the proposal chosen by the Street Artists Committee be submitted to the City Attorney for review and determination as to weather or not an ordinance amendment would be necessary.

Mr. Cancel suggested the Liaison Committee and Program staff work together to draft a proposal for presentation to the Street Artists Committee.

5. *Action.* **Hearing and possible motion to authorize Program Director to request Board of Supervisors continuation of designation of plaza located at 17th Street/Castro Street as an area for street artists with the exception of certain days in which the plaza shall be used exclusively for a street fair such as the Castro Street Fair or Castro CBD-sponsored events.**

Mr. Lazar gave a brief description about the Castro Street spaces and the history of their designation.

Commissioner Silverman moved to approve the motion to authorize Program Director to request Board of Supervisors continuation of designation of plaza located at 17th Street/Castro Street as an area for street artists with the exception of certain days in which the plaza shall be used exclusively for a street fair such as the Castro Street Fair or Castro CBD-sponsored events; the motion was seconded by Commissioner Chuang.

Mr. Tad Sky agreed with the decision to obtain more spaces. Although these Castro spaces aren't popular, Mr. Sky believed it is important to keep these spaces and they could eventually become more active.

The motion was unanimously approved.

6. *Action.* **Hearing and possible motion to approve recommendations of Street Artists Liaison Committee**

meeting of August 11, 2010:

a) Recommendation for Arts Commission to request street artist selling spaces on Port of San Francisco property adjacent to Pier 33 and Pier 35.

Commissioner Silverman moved to approve the recommendation for Arts Commission to request street artist selling spaces on Port of San Francisco property adjacent to Pier 33 and Pier 35; the motion was seconded by Commissioner Chuang.

Mr. Michael Addario reminded the Commissioners about the Fisherman's Wharf renovation project. Mr. Addario stated that the Liaison Committee was still unsure of the exact location of the proposed spaces but would like to see spaces by the Pier 39 flags. Obtaining spaces at these locations would be a preemptive move since many of our artists at Fisherman's wharf will be displaced during construction.

Mr. Tad Sky agreed with Mr. Addario and added that there is a wide open plaza near these piers and is unsure if this is considered Port property.

The motion was unanimously approved.

b) Recommendation for Advisory Committee of Street Artists and Crafts Examiners to implement, in monitoring street artist displays, a checklist of adherence to regulations by each artist monitored.

Mr. Lazar explained the duties of the Advisory Committee in monitoring the street artists activities and send notes and images by email to the Program Director. From these notes, there are recommendations on issuance of warnings or scheduling studio visits. The checklist is another way to verify artist compliance. The checklist would be made up of carbon copy sheets to be received by the program office, the Liaison Committee, and the Advisory Committee.

Mr. Cancel suggested that the Commissioners address this issue when the Liaison Committee has a checklist ready.

Commissioner Chew called for a motion on this recommendation. No motion was forthcoming.

c) Recommendation for Arts Commission to appoint at least one (1) member of Street Artists Liaison Committee to also serve as a member of the Street Artists Committee.

Mr. Cancel informed the Commissioners that according to the bylaws of the Arts Commission, only Commissioners are allowed on committees.

Commissioner Chuang stated that a street artist on the committee could be a conflict of interest in many cases.

Commissioner Chew called for public comment relative to the recommendation.

Mr. Tad Sky stated that this issue has been around for many years. Mr. Sky believed that, with the high turnover rate of Commissioners, it is hard for new Commissioners to catch up and become familiar with the program quickly. Since the street artists are participants in the program, they would provide a new perspective different from that of the Commissioners or the Program Director.

Mr. Michael Addario stated that the street artists should have voting power and that putting a Liaison Committee member on the Street Artists Committee would help to obtain this vote. Mr. Addario introduced the idea of making a street artist a Commissioner and when there is a conflict of interest, the street artist may recuse themselves.

Ms. Debra King, a Liaison Committee member, agreed that street artists need more input than they are currently allowed.

Commissioner Chew called for a motion on this recommendation. No motion was forthcoming.

7. *Discussion.* **Report by Street Artists Liaison Committee.**

Street Artist Michael Addario, Chairman of the Street Artists Liaison Committee, thanked the Commissioners for participating in the Street Artists Committee and recognized them for their work.

8. *Discussion.* **New Business/Public Comment.**

Mr. Tad Sky reminded the Commissioners and Program staff that the 40th anniversary of the Street Artists Program is in 2012 and that we should start thinking about planning for this event. Mr. Sky suggested having banners made to celebrate this event and possibly proclaim Justin Herman Plaza as an arts and crafts zone.

There being no new business or further public comment, Commissioner Chew adjourned the meeting at 5:10p.m.

Respectfully submitted:

Alyssa Licouris, Street Artists Program Assistant

Minutes approved by:

Howard Lazar, Street Artists Program Director

November 10, 2010

Street Artists Committee - November 10, 2010

STREET ARTISTS COMMITTEE

Wednesday, November 10, 2010

3:00 p.m.

25 Van Ness Avenue, Suite 70

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Agenda

1. *Action*. **Hearing and possible motion to approve issuance of certificate or renewalof certificate.**

   Steven Goldberg – Certificate #5142. "Notice of Withholding of Certificate or Renewal Pending Hearing"issued to Mr. Goldberg for thefollowing alleged violations: Conductingbusiness in an improper, hazardous manner (1) Sexual harassment of a streetartist; (2) Threatening a street artist; (3) Interfering with lotteryspace-assignment procedures. (7/30/10; 8/10/10; 8/12/10)

2. *Action*. **Hearingand possible motion to recommend rescission of screening criteria for "Slumped/FlattenedBottles and Labels" approved by Arts Commission as Resolution No. 0913-10-250 onSeptember 13, 2010 and torecommend adoption of the following criteria recommended by the City Attorney for"Slumped/Flattened or Re-Shaped Bottles":**

   "Slumped/Flattened or Re-Shaped Bottles: Street Artists wishing to sellslumped, flattened, or re-shaped commercially manufactured bottles mustprepare, finish, and significantly alter the original form of the bottles."

3. *Action*. **Hearing and possible motion torecommend amendments of lottery space- assignment procedures for Downtown andFisherman's Wharf areas.**

4. *Action*. **Hearing and possible motion to approvere-issuance of former certificate number (#373) to street artist David Brancato(currently #5345).**

5. *Discussion*.**Street Artists Program Director's Report.**

6. *Discussion*. **Report by Street ArtistsLiaison Committee.**

7. *Discussion.*New Business/Public Comment.

8. **Adjournment.**

November 2, 2010

Notices

Explanatorydocuments are available for public inspection and copying at the ArtsCommission office, 25 Van NessAvenue, Suite 240, San Francisco,CA 94102during regular business hours. Tel: INFO: (Howard Lazar 415-252-2583).

Publiccomment in regard to specific items will be taken before or duringconsideration of the item.

The ringing of and use of cell phones, pagers and similar sound-producingelectronic devices are prohibited at this meeting. Please be advised that theChair may order the removal from the meeting of any person(s) responsible forthe ringing or use of a cell phone, pager, or other similar sound-producingelectronic devices.

Individuals and entities that influence or attempt to influence locallegislative or administrative action may be required by the San Francisco LobbyistOrdinance (San Francisco Campaign and Governmental Conduct Code Sections 2.100– 2.160) to register and report lobbying activity. For more information about the LobbyistOrdinance, please contact the Ethics Commission at 25 Van Ness, Suite 220, San Francisco, CA94102, telephone (415)252-3100, fax (415) 252-3112 and **website**.

KNOW YOUR RIGHTS UNDER THE SUNSHINEORDINANCE

Government's duty is to serve the public, reaching its decision in fullview of the public. Commissions, boards, councils and other agencies of theCity and County exist to conduct the people's business. This ordinance assures that deliberations areconducted before the people and that City operations are open to the people'sreview. For more information on your rights under the Sunshine Ordinance or toreport a violation of the ordinance, contact Frank Darby by mail toAdministrator, Sunshine Ordinance Task Force, City Hall, 1 Dr. Carlton B.Goodlett Place, Room 244, San Francisco CA 94102-4689; by phone at (415)554-7724; by fax at (415) 554-7854; or by email at sotf@sfgov.org .

Citizens interested in obtaining a free copy of the Sunshine Ordinance canrequest a copy from Mr. Darby or by printing Chapter 67 of the San FranciscoAdministrative Code on the Internet, **http:**/www.sunshine/

November 10, 2010

Street Artists Committee - November 10, 2010

STREET ARTISTS COMMITTEE

Wednesday, November 10,2010

3:00 p.m.

25 Van Ness Avenue,Suite 70

Second Amended Minutes

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Members present: Greg Chew, Chair, John Calloway, Jessica Silverman
Members absent: Sherene Melania, AmyChuang
Staff present: Street ArtistsProgram Director Howard Lazar, Street Artists Program Assistant Alyssa Licouris

Commissioner Chew, Chair, called the meeting to order at 3:14 p.m.

1. *Action*. **Hearing and possible motion to approveissuance of certificate or renewal of certificate.**

Steven Goldberg – Certificate #5142. "Notice of Withholding of Certificate or Renewal PendingHearing" issued to Mr. Goldberg forthe following alleged violations: Conductingbusiness in an improper, hazardous manner (1) Sexual harassment of a streetartist; (2) Threatening a street artist; (3) Interfering with lotteryspace-assignment procedures. (7/30/10; 8/10/10; 8/12/10)

ProgramDirector Howard Lazar presented the hearing procedure to the Committee. Theprocedure was as follows: Mr. Lazar would state a brief synopsis of item #1,the plaintiff would speak, the defendant would speak, witnesses and supportersof each party would speak, the Commissioners would make a possible motion of afinding, the Commissioners would complete the motion and find a penalty if theysaw fit. Mr. Lazar read a letter from the City Attorney which was received 15minutes prior to the hearing. The Commissioners requested the City Attorney's guidancesince this is the first case dealing with alleged sexual harassment charges.According to Mr. Lazar's synopsis of the City Attorney's letter, the CityAttorney stated that the Arts Commission's scope for taking action about such complaintsis limited to the Street Artists' designated areas during business hours

orduring the lottery process in order to determine if the alleged offenseinterferes with an artists' ability to do business.

Mr.Lazar briefly read his synopsis of the complaints which included salientremarks via email that the plaintiff and defendant made relative to each of thethree incidents.

Theplaintiff, Street Artist Amanda Nordquist, was called to speak in front of theCommissioners. Ms. Nordquist gave a brief summary of events leading up to theincidents. On July 29, 2010, Ms. Nordquist and Street Artist Marc Melancon wereadding new crafts to their licenses at a screening examination where they met StreetArtist Trevor Burkhart for the first time. The next day on July 30, 2010, Mr. Burkhartdemanded to see Mr. Melancon's license. Arguments against the street artists atPoint Lobos (Cliff House area) started and Mr. Burkhart got into both Mr.Melancon and Ms. Nordquist's faces. Ms. Nordquist explained that she used to bea massage therapist and that Street Artist Steve Goldberg knew this about her. Mr.Goldberg made sexual remarks and gestures towards Ms. Nordquist which relatedto her previous career. On the same day, Mr. Melancon, Ms. Nordquist and StreetArtist Sarah Huntoon spoke to Mr. Lazar about this incident and Ms. Nordquistsent an email complaint. Ms. Nordquist encountered many technical difficultieswith transferring the audio recording of July 30, 2010 from Ms. Huntoon's phoneto a computer. Mr. Goldberg was granted a continuance at the last StreetArtists Committee meeting on September 8, 2010. Before the November 10, 2010hearing, Ms. Nordquist submitted all documents which included full audiorecordings, edited and unedited scripts of the recordings, email complaints anda cover letter for the Commissioners.

Ms.Nordquist further related that on August 10, 2010, Mr. Goldberg was arguingwith Mr. Melancon. Mr. Goldberg yelled 'sluts' and 'whores' at Ms. Huntoon andMs. Nordquist. It was not the first time Ms. Nordquist had heard Mr. Goldbergyell those words. Mr. Goldberg also made inappropriate statements and gesturestowards Mr. Melancon about his religious background. On August 12, 2010, Mr.Goldberg was pulling the lottery slips and failed to pull the last slip, Ms.Nordquist's slip. Mr. Goldberg again yelled at Mr. Melancon inappropriately.

Ms.Nordquist explained that she provided the Street Artists Program office withresponses to all of Mr. Goldberg's emails. The previous week, Mr. Lazar, Ms.Huntoon, and Ms. Nordquist met to talk about the hearing procedure. Mr. Lazarheard the audio recording where Mr. Goldberg called Street Artist MarilynBurkhart names but was unable to see a video recording which showed Mr.Goldberg's inappropriate behavior.

CommissionerCalloway asked Mr. Lazar if street artists are supposed to have their licensewith them at all times. Mr. Lazar responded that street artists are supposed tohave their licenses to show at all times while open for business. Ms. Nordquistreferred to page 46 of the Bluebook which stated that an artist can sign up fora lottery but the lottery committee must check later with the street artistsoffice to make sure they have a valid license which is what the street artistsdid on July 30, 2010 when Mr. Melancon didn't have his license.

CommissionerChew stated that the continuation of the hearing had been the decision of theArts Commission since they had not felt at the time that they were prepared.Mr. Chew asked Ms. Nordquist if she had been physically harassed and shereplied that she had not. Only two specific incidents had been directed towardsMs. Nordquist while the other incidents had been directed at other streetartists.

Mr.Goldberg was asked to speak in front of the Commissioners. Mr. Goldbergrequested seating while giving testimony for medical reasons. Mr. Goldberg wasasked to make his statements before the Commissioners decided if they wanted tohear or view his recordings. Mr. Goldberg reiterated that for the September 8,2010 hearing, Ms. Nordquist had only provided 2 minute recordings of the July30, 2010 incident and the August 10, 2010 incident. The full recordings werenot received until October and Mr. Goldberg believed that the end of the August10, 2010 recording is missing some name calling by Mr. Melancon towards Mr.Goldberg. Mr. Goldberg admitted to his vulgar statement on August 10, 2010 but,as Mr. Goldberg was riding his bike home, Mr. Melancon shouted inappropriately athim, and this, Mr. Goldberg said, was not on the recording.

Mr.Goldberg further related that, regarding the July 30, 2010 incident, Ms.Nordquist had stated in her email complaint that she was threatened by Mr.Goldberg all day but Mr. Goldberg didn't receive a spot in the lottery and hedidn't sell at all that day. Mr. Goldberg also wanted to make it clear that itwasn't his idea to confront Mr. Melancon about his license and when he wasyelling at Mr. Melancon, he was a good distance away from Mr. Melancon.

Mr.Goldberg briefly explained his medical history which consisted of switchingmedications, and experience withdrawals and side effects of his medicationssuch as hostility, irritability, restlessness to name a few. At the time of theincidents, Mr. Goldberg had been suffering withdrawals from having quit certainmedications for depression.

Mr.Goldberg again explained to the Commissioners that the August 10, 2010recording did not adequately present the exchanges between the street artists atPoint Lobos (Cliff House area) on that day. On June 3, 2010, Mr. Goldberg hadsent a complaint to the Street Artists office due to what he termed a hatespeech by Mr. Melancon against Mr. Goldberg and name calling.

Mr. Goldberg said he was apologetic for his actions on July 30, 2010, that hisgestures had been vulgar and he wanted to apologize to Ms. Nordquist at theweekly Point Lobos (Cliff House area) meetings but Ms. Nordquist, Mr. Melanconand Ms. Huntoon stopped coming to the meetings. He has been on the program formany years and he stated that this behavior will not happen again since itreflects badly on the Street Artists Program. Mr. Goldberg admitted to vulgargestures on July 30, 2010 but he stated he was at least 20 feet away from Ms.Nordquist and that there was no physical abuse.

Ms.Nordquist's witnesses were called to speak in front of the Commissioners. Ms.Huntoon replayed the events of July 30, 2010. She said that Street ArtistsToney and Marilyn Burkhart and Mr. Goldberg ambushed Mr. Melancon to check hislicense. Only 7 street artists regularly work at Point Lobos (Cliff House area)spaces so they all know each other and know when each other's licenses expire.Ms. Huntoon was on the phone with Mr. Lazar when Mr. Goldberg made comments atMs. Nordquist but Ms. Huntoon did see his hand gestures. On August 10, 2010,she was present at the lottery which, she said, got out of control. Ms. Huntoonsaw Mr. Goldberg's gestures towards Mr. Melancon and heard him yelling at Mr.Melancon. Ms. Huntoon stated she didn't want to have to work in an unpleasantenvironment that has been created by the street artists at Point Lobos (CliffHouse area).

Mr.Melancon also related the incident of July 30, 2010. The other street artistswere persistent in seeing his license which he did not have with him on thatday. Mr. Melancon was a witness to seeing and hearing Mr. Goldberg harass Ms.Nordquist. On August 10, 2010, the lottery, he said, was again out of control.Mr. Goldberg made an inappropriate gesture and remarks towards him about churchand Mr. Goldberg threatened Mr. Melancon.

Thedefendant's witnesses and supporters were called to speak in front of theCommissioners. Mr. Toney Burkhart brought up an incident which occurred onAugust 9, 2009 where he and Mr. Melancon got into a fight because Mr. Melanconspit in his face and Mr. Burkhart punched him. Mr. Burkhart's son, Mr. TrevorBurkhart, joined the program so he could witness the incidents that occur at PointLobos (Cliff House area). Mr. Toney Burkhart has been aware that Mr. Goldberghas been off and on different medication and that Mr. Goldberg has yelled athim and his wife Ms. Burkhart in the past. However, Mr. Burkhart has forgivenMr. Goldberg because he knows the medication is affecting Mr. Goldberg'spersonality. Mr. Burkhart believed that Mr. Melancon, Ms. Huntoon and Ms.Nordquist wanted to get rid of his family and Mr. Goldberg from Point Lobos (CliffHouse area). Although Mr. Goldberg has said inappropriate things towards theBurkharts, Mr. Goldberg has apologized to them.

Mr.Trevor Burkhart described the incident that occurred on July 30, 2010 which washis first day as a street artist. He had previously read the Bluebook rulesabout needing to show your license at all times and he had heard that Mr.Melancon had sold without a license in the past, so he wanted to make sure hehad his license on that day. In the script of the July 30 incident that Ms.Nordquist provided, Mr. Burkhart pointed out that Mr. Melancon stated that hewanted to fight Mr. Goldberg and that Ms. Nordquist encouraged the fighting.Ms. Nordquist had also insulted Mr. Trevor Burkhart.

Street ArtistBrian Linwell stated that although he had never worked at Point Lobos (CliffHouse area) with Mr. Goldberg, he knew Mr. Goldberg when he worked atFisherman's Wharf. Mr. Goldberg used to run the lottery at Fisherman's Wharf andMr. Linwell had never heard Mr. Goldberg say anything bad before.

Ms. MarilynBurkhart stated that she has been selling at Point Lobos (Cliff House are) forthe past 22 years. Since Mr. Melancon began selling two years ago, he has beenaggressive towards her, Mr. Goldberg, and Mr. Toney Burkhart. Ms. Burkhartstated that Mr. Melancon has called them "old people" and wanted them to goelsewhere.

In Mr.Goldberg's final comments, he again admitted that what he had said to Ms. Nordquistand that his gestures towards her were inappropriate. But, he said, the August10, 2010 recording was not complete because it didn't include the name callingand hate speech that Mr. Melancon gave to Mr. Goldberg or what Ms. Nordquisthad said to Mr. Goldberg.

CommissionerCalloway requested to hear the recording from July 30 relative to Mr.Goldberg's comments to Ms. Nordquist. Ms. Nordquist played the specific part ofthe recording on her stereo.

CommissionerChew reminded all street artists that the Street Artists Program is a placewhere tourists visit and that the street artists represent the City of San Francisco. He feltvery disheartened about this situation at Point Lobos (Cliff House area) withthe rival parties. He noted that there were not any physical harassments.

CommissionerCalloway added that they spent the whole time on the first incident of thethree-part hearing.

CommissionerSilverman agreed that she was disheartened by hearing the case. She stated thatshe was uncomfortable making a decision because of the aggressive situationbetween all of Point Lobos (Cliff House area) street artists since there seemedto be aggression and taunting from both sides.

CommissionerChew asked Mr. Goldberg to publically apologize to Ms. Huntoon, Ms. Nordquistand Mr. Melancon for his actions. Mr. Goldberg sincerely did so to each of thethree street artists.

CommissionerChew began to make a motion but Commission Calloway wanted to make a fewstatements before a motion occurred. Commissioner Calloway stated that everyoneinvolved in the incident was not innocent. Furthermore, the only threewitnesses to Mr. Goldberg's actions are not neutral parties. CommissionerCalloway stated that he takes sexual gestures very seriously but it seemed thatMr. Goldberg's harassment was more of a statement than harassment directed at Ms.Nordquist.

CommissionerSilverman agreed that both parties are at fault. The edited scripts, she said,have bold and smaller text; one would assume that the smaller text is not asimportant but there are still statements in the smaller text which showaggressive behavior. Furthermore, she sensed that the acrimony between theparties had existed for some time.

Mr.Lazar added that, during the summer, he set up meetings between the two groupsto help draft a set of rules for Point Lobos (Cliff House area) as well as tryto bring them together to communicate harmoniously. But this culminated in animpasse between the groups.

CommissionerCalloway stated he wasn't comfortable making a motion to find a violation. CommissionerSilverman stated that the Commissioners were not agreeing with Mr. Goldberg'sbehavior, but it did not warrant disciplinary action. Commissioner Calloway reiteratedthat there were no neutral witnesses at the hearing.

No motion to find the defendant inviolation was forthcoming; and the Commissioners unanimously voted to dismissthe complaint and the charge.

2. *Action.* **Hearing and possible motion torecommend rescission of screening criteria for "Slumped/Flattened Bottles andLabels" approved by Arts Commission as Resolution No. 0913-10-250 on September13, 2010 and to recommend adoption of the following criteria recommended by theCity Attorney for "Slumped/Flattened or Re-Shaped Bottles":**

   "Slumped/Flattened or Re-Shaped Bottles: Street Artists wishing to sell slumped,flattened, or re-shaped commercially manufactured bottles must prepare, finish,and significantly alter the original form of the bottles."

The item was continued to the nextmeeting.

3. *Action.* **Hearing and possible motion to approve re-issuance of former certificatenumber (#373) to street artist David Brancato (currently #5345).**

Mr.Lazar described to the Commissioners the licensing process of what happens whenan artist drops out of the program. Once the 10-day grace period is over and anartist does not renew their license, that number is considered to be "dead".When a former certificate holder wants to re-enter the program, the artistreceives a new street artist certificate license number. Mr. David Brancatoentered the program in 1973 with the number #373. Over the years, he has beenin and out of the program, thus his latest street artist certificate number is#5345.

A reasonwhy Mr. Lazar didn't give former certificate holders their old numbers isbecause in prior years he caught unlicensed vendors with fake licenses bearingthe numbers which had belonged to former license holders. Because the oldmembers were easy to identify, he had been reluctant to re-issue an old numberto a street artist. However, he had not observed counterfeit old numbers beingused by illegal vendors in recent years.

Mr.Brancato stated that he wants his number back out of respect and that it issentimental. It shows other artists how long he has been involved with theStreet Artists Program.

CommissionerChew was concerned about what would happen if they approved Mr. Brancato and ifother street artists want their numbers back as well.

Mr.William Clark provided the Commissioners with a document from the City Attorneyissued in 1977 which stated, he said, the Street Artists Program has the legalauthority to grant former certificate holders their previous numbers.

Mr. RobertClark reiterated what Mr. William Clark had said about the City Attorney'sopinion of 1977. He told the Commissioners if they give Mr. Brancato his numberback, then he and Mr. William Clark will want their old numbers back too.

Commissioner Chew motioned to approve re-issuance offormer certificate number (#373) to street artist David Brancato (currently#5345); the motion was seconded by Commissioner Silverman, and unanimouslyapproved.

4. *Action.* **Hearing and possible motion torecommend amendments of lottery space- assignment procedures for Downtown andFisherman's Wharf areas.**

Mr. Lazar introduced the item to the Commissioners. It was decided thatthey would discuss as much about the item as they could with the little time thatwas left in the meeting. There were two proposals to Mr. Lazar's knowledge: theMillard proposal and the Clark proposal. Whilehe had provided the Commissioners with a synopsis of the proposals, he did notfeel comfortable outlining the details of the proposals on behalf of theauthors who were present.

Mr.Millard presented first with his "teammates", Brian Hopper and Brian Linwell. The Millard proposal team wanted tostart with a presentation demonstrating how the lottery works so theCommissioners would have some background before they began presenting theproposal. Mr. Millard presented diagrams and examples of white and blue lotteryslips for the Commissioners. Mr. Millard shared that Street Artist MichaelAddario had proposed similar lottery procedures in 2004.

Mr.Millard stated that when street artists want to save their lottery slip butstill want to sell, the first-come first-served basis gets confusing. A seconddrawing that would be legally binding would help with these problems. With thecurrent lottery procedures, the white slips that are used (in an unofficial"mini-mini" lottery for unclaimed spaces) are not legally binding so a streetartist with an unused blue slip can kick out or "bump" another artist out oftheir spot if that person has an unofficial white slip.

In thepast, Mr. Millard said, there has been a kind of "gentleman's agreement" thatthe white slips act as legally binding even if technically they are unofficial.The two main problems with the current lottery procedure is that artists can "bump"each other out of the spaces, and there is an early "squatting" loophole wherean artist who sets up in a space before the unofficial "mini mini" lottery startstells the lottery committee so that the specific space is not available forartists involved in a "mini mini".

TheMillard proposal team has a list of 100 signatures from other street artiststhat support their proposal. The main proposed change would be that the Millardproposal would have the white lottery slips of a "Secondary random drawing" tobe official and legal. Mr. Millard stated that if it had a name, it would becalled "The People's Proposal."

Mr.Brian Linwell submitted the petition of signatures to show to the Commissioners.Mr. Linwell believed that if the street artists can't have the gentleman'sagreement like in the past, then the "mini mini" should just become legal.

Mr.Lazar reported that the City Attorney advised that if the Commissioners chose aproposal, the City Attorney would look it over to determine whether or not anamendment to the ordinance would be required.

Mr.William Clark was asked to speak on behalf of the Clarkproposal. Firstly, he disputed the characterization about him by other artistsof using the early "squatting" loophole and not letting anyone take the spacefor the "mini mini". The Clark proposal wantsto take the unused spaces and distribute them so a street artist with thelowest unused number would have priority in selecting an unused space. Theordinance, he said, never stated that there should be two different lotteries.

Mr. RobertClark reiterated what his brother said about the ordinance never stating thatthere should be two different lotteries.

Commissioner Chew motioned tocontinue the item to the next meeting; Commissioner Silverman seconded and itwas unanimously approved.

Commissioner Chew adjournedthe meeting at 5:20 p.m.

Posted on November 17, 2010, Amended on November 18, 2010, Second Amended on November 22, 2010

Respectfully submitted:

Alyssa Licouris, StreetArtists Program Assistant

Minutes approved by:

Howard Lazar, Street ArtistsProgram Director

January 12, 2011

Street Artists Committee - January 12, 2011

STREETARTISTS COMMITTEE

Wednesday, January 12, 2011

3:00p.m.

25 Van Ness Avenue, Suite 70

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Agenda

1. *Action.* **Hearing and possible motion to recommend amendments of lotteryspace-assignment procedures for Downtown and Fisherman's Wharf areas.** *(continued from 11/10/10 meeting)*

2. *Action.* **Discussion and possible motion to:**

   (a) approve Street Artists Program budget for Fiscal Year 2011-12 andcorresponding proposed Street Artist certificate fee for Fiscal Year 2011-12.As required by Proposition "K" of November 8, 1983, any certificate feeincreases would be limited to those necessary in order to finance the costs ofthe Arts Commission in administering and enforcing the provisions of the StreetArtists Ordinance; and

   (b) authorize the Street Artists Program Director to ask the City Attorney'sOffice to draft a corresponding fee ordinance for submission to the Board ofSupervisors for approval.

3. *Discussion.* **Street Artists Program Director's Report.**

4. *Action.* **Hearingand possible motion to recommend rescission of screening criteria for "Slumped/FlattenedBottles and Labels" approved by Arts Commission as Resolution No. 0913-10-250 onSeptember 13, 2010 and to recommend adoption of the followingcriteria recommended by the City**

Attorney for "Slumped/Flattened or Re-Shaped Bottles":

"Slumped/Flattened or Re-Shaped Bottles: Street Artists wishing to sellslumped, flattened, or re-shaped commercially manufactured bottles mustprepare, finish, and significantly alter the original form of the bottles."

5. *Discussion.* **Report by Street ArtistsLiaison Committee.**

6. *Action.* **Hearingand possible motion to approve Program Director's recommendation of denial ofcertificate or renewal.**

   Mucheru Njaga – Certificate #8173 (expired 9/8/10). Alleged violation:
   Selling jewelry items not created by Mr. Mucheru.

7. *Discussion.***New Business/Public Comment.**

8. **Adjournment.**

Notices

Explanatorydocuments are available for public inspection and copying at the ArtsCommission office, 25 Van NessAvenue, Suite 240, San Francisco,CA 94102during regular business hours. Tel: INFO: (Howard Lazar 415-252-2583).

Publiccomment in regard to specific items will be taken before or duringconsideration of the item.

The ringing of and use of cell phones, pagers and similar sound-producingelectronic devices are prohibited at this meeting. Please be advised that theChair may order the removal from the meeting of any person(s) responsible forthe ringing or use of a cell phone, pager, or other similar sound-producingelectronic devices.

Individuals and entities that influence or attempt to influence locallegislative or administrative action may be required by the San FranciscoLobbyist Ordinance (San Francisco Campaign and Governmental Conduct CodeSections 2.100 – 2.160) to register and report lobbying activity. For more information about the LobbyistOrdinance, please contact the Ethics Commission at 25 Van Ness, Suite 220, San Francisco, CA94102, telephone (415)252-3100, fax (415) 252-3112 and web site.

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ordinance, contact Frank Darby by mail toAdministrator, Sunshine Ordinance Task Force, City Hall, 1 Dr. Carlton B.Goodlett Place, Room 244, San Francisco CA 94102-4689; by phone at (415) 554-7724;by fax at (415) 554-7854; or by email at sotf@sfgov.org.

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January 12, 2011

SAN FRANCISCO ARTS COMMISSION
STREET ARTISTS COMMITTEE

Wednesday, January 12, 2011
3:00 p.m.
25 Van Ness Avenue, Suite 70
San Francisco, CA 94102

Amended Minutes
(10-16-12)

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Members present: Greg Chew, Chair, Jessica Silverman, Amy Chuang
Members absent: Sherene Melania, John Calloway
Staff present: Director of Cultural Affairs Luis Cancel, Director of Programs Jill Manton, Street Artists Program Director Howard Lazar, Street Artists Program Assistant Alyssa Licouris

Commissioner Chew, Chair, called the meeting to order at 3:05 p.m.

Commissioner Chew praised the January 3rd positive San Francisco *Chronicle* article "Street Artists Program thrives as economy sags" that highlighted the Street Artists Program.

1. *Action.* **Hearing and possible motion to recommend amendments of lottery space-assignment procedures for Downtown and Fisherman's Wharf areas.** *(continued from 11/10/10 meeting)*

Mr. Howard Lazar described the two proposals by authors James Millard (Millard proposal) and William and Robert Clark (Clark proposal).

The Commissioners consented to Mr. Millard's request to present a brief summary of the lottery process. Street Artists James Millard and Brian Hopper used diagrams and lottery sign-up sheets and slips to help present how the lottery process works. They explained the color slips corresponding to the lotteries and that there are three main lotteries per week. Blue slips can be used for one of the main drawings while white slips are used for unofficial "mini-mini" drawings. Blue slips count as a legal binding relationship with the selling space. White slips are non-binding and used for mini-mini drawings to help get rid of the leftover spaces. A lottery is a multi-day process while a random drawing is a sub-element of the lottery system.

According to Mr. Millard, his proposal would remedy the problem of "early squatting" (prematurely occupying a space and seizing someone else's space) and "bumping" (losing an space to another artist) by having a lottery process that is fair, orderly and completely binding. The lottery process would be simple and no "bumping" or "early squatting" would be allowed. Mr. Millard's proposal would make the white "mini-mini" lottery slips legal on main lottery days. Mr. Millard would like the "mini-mini" to be replaced with the name "leftover random drawing".

Street Artist Brian Linwell, one of the Millard proposal authors, submitted a petition of over 100 signatures which supported the Millard proposal. Mr. Linwell agreed that their proposal would be successful since Street Artists have been following this process for nearly 20 years.

The Millard proposal authors believe that the Clark proposal would allow "bumping" as well as give the artists an unfair hand in the lottery process because the first blue slip an artist receives sets precedent for the rest of the lottery process. If an artist started out with a bad, high number, the artist would be stuck with a bad number for the whole multi-day term of the lottery process.

Street Artists William and Robert Clark presented their proposal which, they said, would logically allocate spaces to street artists since the artists would use the order of the main lottery. This, they said, benefits artists that were given a lower number so they would be given first choice of leftover spaces. Their method would be faster and save time as well as simplify the process of which artist gets the first choice of spaces during the lottery process. It would also cut down on the number of lottery workers required as well as the amount of time to complete the sign up, and it would be fairer since the artist with the lower number chooses first.

The Clarks stated that the ordinance passed by the Board of Supervisors specifies that 3 days of the week are for the holding of lotteries. It does not say that the Arts Commission can create as many lotteries as they want. With the Clark proposal, they stated that a secondary lottery would not be needed because the order already was established in the first lottery. In addition, the Millard proposal would punish the lottery helpers. Also, if adopted, the Millard proposal would have to amend the ordinance since it doesn't conform to the law.

Commissioner Chew asked for public comment.

Street Artist Perrie Harrison, who supported the Millard proposal, stated she was upset when her space was occupied when she arrived one day to sell. She had to find another place to sell that day. She stated she does not believe "squatting" or "bumping" is fair.

Street Artist Adriana Berneike, who supported the Clark proposal, is a Lottery Committee member. She stated that she thought the "mini-mini" is bad and does not follow it because it is unofficial. The Millard proposal would take too much time for the process. She stated that Kathy Hallinan, who has a lot of experience working with the lottery, also supported the Clark proposal. The Clark proposal would cut down lottery slip costs as well.

Street Artist Brian Hopper, an author of the Millard proposal, is a Lottery Committee member. He stated that he sees no problem in running a secondary lottery. He did not believe the Clark proposal is fair to artists because an artist would be stuck with a bad number for the whole lottery process. With the Millard proposal, an artist would be more likely to get a better number in the secondary drawings.

Street Artist Steve Kogan supported the Millard proposal since it would create an orderly system.

Street Artist Cheryl Chen stated that she has been in the Program for 21 years and a Lottery Committee member for 15 years. She supported the Millard proposal since "bumping", she said, creates a lot of problems.

Street Artist Homan Yim stated that he has been in the Program for 2 years. He supported the Millard proposal.

Street Artist Drew Flores, a Lottery Committee member, stated that, he has been in the Program for 20 years and that all but one Lottery Committee member favored the Millard proposal. He did not have a problem with executing two drawings since the second drawing sometimes is the only chance for a street artist to get a good space.

Street Artist Maria Hillius did not say she supported either proposal but just wanted to resolve this issue.

Commissioner Amy Chuang stated that it seemed that the Millard proposal had more Street Artist support.

Commissioner Jessica Silverman stated that her instinct was to support the proposal that did not allow "bumping" since "bumping" seemed to cause the most tension.

Mr. Lazar reiterated (from the previous meeting) that the City Attorney wanted the Commissioners to feel comfortable about choosing an appropriate proposal and that the City Attorney's office would determine whether it would require an amendment to the ordinance. Mr. Lazar pointed out that Street Artist Committee actions have historically placed emphasis on petitions since they help show the majority of the street artist support.

Commissioner Chew motioned to adopt the Millard proposal; Commission Chuang seconded the motion.

James Millard reiterated that there is no legal problem with his proposal and would not require amending the ordinance. He wanted to remind the Commissioners that there is a big difference between the terms "lottery" and "random drawing". A street artist "lottery" has a time duration of multiple days while a "random drawing" has a duration of about 20 minutes.

William Clark reminded Commissioners that many street artists have other artists put their numbers in for them in the lotteries. The Millard proposal would make it impossible for those street artists who can't attend to use their number later. "Bumping" is a positive thing and street artists should be willing to vacate the space.

Street Artist Tad Sky stated that he has been in the Program for 38 years. He proposed that, in the future, the street artists should vote on a proposal instead of bringing it to the Commissioners.

The motion was passed unanimously.

After agenda item #1 was approved, a number of individuals were acting in a disorderly and disruptive manner. The public that was present received a warning that any future outbursts, slurs, epithets, and disruptive actions will not be tolerated. This will result in being escorted out the building with the help of SFPD.

2. *Action.* **Discussion and possible motion to:**

(a) approve Street Artists Program budget for Fiscal Year 2011-12 and corresponding proposed Street Artist certificate fee for Fiscal Year 2011-12. As required by Proposition "K" of November 8, 1983, any certificate fee increases would be limited to those necessary in order to finance the costs of the Arts Commission in administering and enforcing the provisions of the Street Artists Ordinance; and

(b) authorize the Street Artists Program Director to ask the City Attorney's Office to draft a corresponding fee ordinance for submission to the Board of Supervisors for approval.

Mr. Lazar introduced the proposed Fiscal Year 2011-12 budget to the Commissioners. He stated that, since revenues and expenditures were predicted to be the same as for the current year, there would be no street artist fee increase.

Director of Cultural Affairs Luis R. Cancel stated that although there could be slight variation within the line items of the budget, there would be no street artist fee increase.

Commissioner Chew asked for public comment.

Robert Clark began his public comment by stating he had some questions about the figures in the proposed budget. Before Mr. Clark could continue his public comment Mr. Cancel stood up, interrupted him and loudly informed Mr. Clark that he could not ask questions under public comment but could only make comments about an agenda item under public comment. When Mr. Clark disagreed with Mr. Cancel, Mr. Cancel continued to insist that members of the public could not ask questions under public comment. A short heated verbal exchange between Mr. Clark and Mr. Cancel over who was correct then occurred after which Mr. Clark stated he was going to ask some questions regardless of Mr. Cancel's opinion. Mr. Clark then asked several questions about the proposed budget which included how Mr. Lazar had determined the budget, staff salaries, and benefits. Mr. Lazar and Mr. Cancel both refused to answer all of his questions claiming they were under no obligation to answer any questions. Mr. Clark requested that the Street Artist certificate fee be decreased.

Street Artist William Clark stated that he believed the numbers were inaccurate and did not agree with the fee setting procedures. He questioned the charge for Administrative supervision and read from a text relating to reserves and surplus procedures.

Street Artist Michael Addario stated that there are many other street artists programs in the country that have a much lower street artist license fee compared to San Francisco's program. He questioned many of the budget line items.

Street Artist James Millard stated that the Street Artists Program is incurring too many expenses relating to the Sunshine Task Force. He believed that a way to prevent public document requests is for the Street Artists Program to clearly provide the street artists with more detail regarding the budget.

Commission Chew motioned to approve the Fiscal Year 2011-12 budget and corresponding certificate fee presented by the Program Director. Commissioner Silverman seconded the motion. The motion was unanimously approved.

3. *Discussion.* **Street Artists Program Director's Report.**

Online Payment: The Street Artists Program has been working with a third party vendor (by the City) to get the online payment mode started. It will most likely be completed by late spring. The Street Artists will be able to renew their licenses online but a fee will be added that will go directly to the vendor.

Translations: The Program's document "How to obtain a street artist license" has been translated into Mandarin and Spanish.

Santa Fe, NM Street Artists Program: A representative from the Santa Fe Street Artists Program asked and received advice from Program Director Lazar about establishing criteria for photography.

Public records requests and Sunshine Task Force items: Since July 1, 2010, the staff has spent 79 hours fulfilling public record requests and Sunshine Task Force duties. In the FY 2009-2010, staff spent 153 hours fulfilling public record requests and representing the Arts Commission at Sunshine Task Force hearings and in FY 2008-2009, staff spent 76 hours in these duties.

Accomplishments during the Mayor Gavin Newsom term: Program staff obtained 38 additional spaces granted by Board of Supervisors for the Street Artists and 65 holiday spaces granted inperpetuity; the 6th edition of the Program's Bluebook was published online; the Program continued to be cost-neutral and self-sufficient (for 38 years) providing opportunity to over 400 artists to earn a living for themselves and their families; the Program continued to contribute $4 million dollars annually to the San Francisco economy. For managing the Program, the Street Artists Program Director was awarded a Certificate of Merit by Mayor Newsom.

4. *Action.* **Hearing and possible motion to recommend rescission of screening criteria for "Slumped/Flattened Bottles and Labels" approved by Arts Commission as Resolution No. 0913-10-250 on September 13, 2010 and to recommend adoption of the following criteria recommended by the City Attorney for "Slumped/Flattened or Re-Shaped Bottles":**

"Slumped/Flattened or Re-Shaped Bottles: Street Artists wishing to sell slumped, flattened, or re-shaped commercially manufactured bottles must prepare, finish, and significantly alter the original form of the bottles."

Mr. Howard Lazar gave a brief background history about the slumped bottle screening criteria. The criteria that was to be considered for rescission was criteria that the Advisory Committee drafted in September. This criteria prohibits slumped bottle artists to keep commercial labels on the bottles unless they significantly alter the labels or they create their own labels. On review, the City Attorney decided the act of slumping the bottle satisfies the ordinance by significantly altering the product sufficiently and it is not necessary to alter the label. Mr. Lazar asked the Street Artists Program Committee to rescind the September criteria and adopt the new criteria advised by the City Attorney.

Commissioner Chew asked for public comment.

Mr. Michael Addario stated that he found a section in the Administrative Code stating that anything alcohol related cannot be sold on City property, and he wanted to know why this code does not apply to the slumped bottles. He also commented on a recent studio visit by the Advisory Committee and said he believes that the family should be rescreened to keep their license.

Street Artist Phyllis Williams, a glass artist, supported Mr. Addario's argument against the slumped bottle studio visit. She explained the kiln process and stated that she believed that 6 hours is not enough time to complete the process.

Street Artist Tad Sky disagreed with the City Attorney's advice to rescind the screening criteria since he assumed that office is not a craft expert. He wanted a copy of the City Attorney's letter stating to rescind the criteria.

Mr. Lazar was asked to respond and stated that a letter of an outside attorney of one of the slumped bottle artists was considered by the City Attorney and that the City Attorney's advice was given in discussion with the exception of the new criteria which was in writing.

Commissioner Chew motioned to rescind the screening criteria approved by the full Commission on September 13, 2010 and to replace this criteria with the criteria advised by the City Attorney; the motion was seconded by Commissioner Chuang and unanimously approved.

5. *Discussion.* **Report by Street Artists Liaison Committee.**

Liaison Committee Chairman Michael Addario commented on the SF *Chronicle* article that was published in January 2011. He stated that he believed that the article was misleading and presented false information about the program. He also stated that the street artists are paying too much in fees that relate to staff benefits and salaries.

Commissioner Chew asked Mr. Addario if he was speaking on behalf of the Liaison Committee or on behalf of himself. Mr. Addario responded that he was speaking on behalf of himself.

Mr. Tad Sky, Liasion Committee member, submitted a preliminary copy of the Art Inspector checklist that the Liaison Committee talked about at their last meeting. He believed a tighter inspection checklist was needed in order for Advisory Committee members to be more efficient in catching illegal artwork. He said he would like to see an art inspector or more Advisory Committee members that will inspect more seriously. Mr. Sky stated that the budget for the Advisory Committee is too small. He would like to see inspection 3 days per week especially on the weekends. Another problem he introduced was that there are many illegal vendors who provide imported goods located on Market Street. Although Advisory Committee inspectors can easily call the police and have these people removed, they don't necessarily do that. This encourages artists to add illegal items to their booths in order to keep up with import people

Commissioner Chew and Mr. Luis R. Cancel both agreed to make inspection a higher priority.

Ms. Debra King, Liaison Committee member, agreed with Mr. Tad Sky. She stated she would like to see better qualification standards while a screening occurs so Advisory Committee members can catch illegal artwork in the beginning steps.

6. *Action.* **Hearing and possible motion to approve Program Director's recommendation of denial of certificate or renewal.**

Mucheru Njaga – Certificate #8173 (expired 9/8/10). Alleged violation: Selling jewelry items not created by Mr. Njaga.

Mucheru Njaga was not present. Mr. Howard Lazar described Mr. Njaga's case to the Commissioners. It had been observed by Mr. Lazar and Advisory Committee members that Mr. Njaga was selling items at Justin Herman Plaza. The Advisory Committee submitted photos of Mr. Njaga's work to the Street Artists Program office. It was decided that a studio visit would be done to look at Mr. Njaga's inventory and to watch him create pieces of jewelry. According to the Advisory Committee, Mr. Njaga did not present adequate receipts or raw materials, he showed a limited number of items in progress, and half of his finished pieces were not approved by the Committee at his initial screening. Most of the receipts he furnished were not in his name and he stated other receipts he had destroyed. On the basis of the Advisory Committee's studio visit report, Mr. Lazar decided to deny Mr. Njaga a renewal of his certificate and to schedule his case before the Street Artists Committee.

Commissioner Chew motioned to find Mr. Mucheru Njaga in violation for selling items not of his own creation; the motion was seconded by Commissoner Chuang and was unanimously approved.

Commissioner Chew motioned to approve the Program Director's decision to deny Mr. Mucheru Njaga a license certificate; the motion was seconded by Commissioner Silverman seconded and was unanimously approved.

7. *Discussion.* **New Business/Public Comment.**

Maria Hillius stated that she believed the budget and the street artist fee is fair. She wanted to see more services from the Street Artists Program such as more inspection and more studio visits. In terms of the budget, however, she was bothered by the City Attorney expense that artists must pay. She demanded that City Attorney decisions be submitted to street artists in writing.

Commissioner Chew adjourned the meeting at 5:22 p.m.

ADL 10/16/12

Respectfully submitted:

Alyssa Licouris, Street Artists Program Assistant

Minutes approved by:

Howard Lazar, Street Artists Program Director

March 9, 2011

Street Artists Committee - March 9, 2011

STREETARTISTS COMMITTEE

Wednesday, March 9, 2011

3:00p.m.

25 Van Ness Avenue, Suite 70

Agenda

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Notice of Cancellation of Meeting

The scheduled meeting of the Street Artists Program Committee ofthe San Francisco Arts Commission scheduled for March 9, 2011, has beencanceled due to lack of quorum.

Notices

Explanatorydocuments are available for public inspection and copying at the ArtsCommission office, 25 Van NessAvenue, Suite 240, San

Francisco,CA 94102during regular business hours. Tel: INFO: (Howard Lazar 415-252-2583).

Publiccomment in regard to specific items will be taken before or duringconsideration of the item.

The ringing of and use of cell phones, pagers and similar sound-producingelectronic devices are prohibited at this meeting. Please be advised that theChair may order the removal from the meeting of any person(s) responsible forthe ringing or use of a cell phone, pager, or other similar sound-producingelectronic devices.

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Government's duty is to serve the public, reaching its decision in fullview of the public. Commissions, boards, councils and other agencies of theCity and County exist to conduct the people's business. This ordinance assures that deliberations areconducted before the people and that City operations are open to the people'sreview. For more information on your rights under the Sunshine Ordinance or toreport a violation of the ordinance, contact Frank Darby by mail to Administrator,Sunshine Ordinance Task Force, City Hall, 1 Dr. Carlton B. Goodlett Place, Room244, San Francisco CA 94102-4689; by phone at (415) 554-7724; by fax at (415)554-7854; or by email at sotf@sfgov.org.

Citizens interested in obtaining a free copy of the Sunshine Ordinance canrequest a copy from Mr. Darby or by printing Chapter 67 of the San FranciscoAdministrative Code on the Internet, http:/www.sunshine/

April 13, 2011

Street Artists Committee - April 13, 2011

STREETARTISTS COMMITTEE

Wednesday, April 13, 2011

3:00p.m.

25 Van Ness Avenue, Suite 70

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Agenda

1.*Action.* **Hearing and possible motion to approve authorization ofProgram Director to request Board of Supervisors for temporarydesignation of six (6) months of two (2) selling spaces on northwestcorner of Post Street, at Stockton Street, to replace spaces on GearyStreet, at Stockton Street, impacted by Central Subway construction.**

2.*Action.* **Hearing and possible motion to approve for the Cliff HouseLottery a recommendation to adopt a two-tiered lottery system comprisedof two random drawings for assignment of selling spaces: (1) a Mainrandom drawing for the selection of spaces; and (2) a Secondary randomdrawing for spaces left over from the selection of spaces by Maindrawing.**

NOTE: The above recommendation would be the same as theprocedure (Millard proposal) which was recommended by the Street ArtistsCommittee on January 12, 2011 and approved by the full Arts Commissionon February 7, 2011 for implementation by both the Downtown andFisherman's Wharf lotteries.

3. *Discussion.* **Street Artists Program Director's Report.**

4. *Discussion.* **Report by Street Artists Liaison Committee.**

5. *Discussion.* **New Business/Public Comment.**

6. **Adjournment.**

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April 13, 2011

Street Artists Committee - April 13, 2011

STREET ARTISTS COMMITTEE

Wednesday, April 13,2011

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Minutes

Members present: Greg Chew, Chair, John Calloway Amy Chuang, Jessica Silverman
Members absent: Sherene Melania,
Staff present: Street ArtistsProgram Director Howard Lazar, Street Artists Program Assistant Alyssa Licouris

Commissioner Chew, Chair, called the meeting to order at 3:06 p.m.

1. *Action.* **Hearing and possible motion to approve authorization of Program Directorto request**

Board of Supervisors for temporarydesignation of six (6) months of two (2) selling spaces on northwest corner ofPost Street, at Stockton Street, to replace spaces on Geary Street, at StocktonStreet, impacted by Central Subway construction.

StreetArtists Program Director Lazar described that, due to Central Subwayconstruction, MTA moved a flower vendor which had been located on Stockton Streetonto three street artist spaces on GearyStreet. From working with the Business ImprovementDistrict, Mr. Lazar found two spaces that the street artists could usetemporarily on Post Streetat Stockton Streetuntil they are able to move back to their permanent spaces. On approval of theproposal, Mr. Lazar would ask the Board of Supervisors to designate twotemporary six-month spaces at the set location. The two spaces would be locatedin front of Levi's. Mr. Lazar has spoken to Levi management and they haveaccepted the proposal. Both spaces meet all of the safety regulations of theStreet Artists Ordinance.

CommissionerChew commented that he is enthusiastic that about the location. He asked Mr.Lazar to clarify if there were street artists' spaces near the new temporaryspaces. Mr. Lazar confirmed that there were 8 spaces

around the corner on Stockton Street.

Commissioner Calloway motioned to approveauthorization of the Program Director to request the Board of Supervisors fortemporary designation of six (6) months of two (2) selling spaces on thenorthwest corner of Post Street at Stockton Street to replace spaces on GearyStreet at Stockton Street, impacted by Central Subway construction;Commissioner Silverman seconded the motion.

CommissionerChew asked for public comment.

Mr. Joe Murdoc stated that he is a 30-yearCity resident and is a friend of the flower vendor who got relocated onto thethree street artist spaces. Since MTA had negatively impacted the flower stand,Mr. Murdoc wanted to thank Mr. Lazar for being proactive and helping to makethe situation more livable for the flower vendor. He commended the Street ArtistsProgram as being a vital component of SanFrancisco and emphasized that the street artists addcharacter to the city. Mr. Murdoc said he came to show his support for the StreetArtists Program.

The motion was unanimously approved.

2. *Action.* **Hearing and possible motion to approve forthe Cliff House Lottery a recommendation to adopt a two-tiered lottery systemcomprised of two random drawings for assignment of selling spaces: (1) a Mainrandom drawing for the selection of spaces; and (2) a Secondary random drawingfor spaces left over from the selection of spaces by Main drawing.**

NOTE: The aboverecommendation would be the same as the procedure (Millard proposal) which wasrecommended by the Street Artists Committee on January 12, 2011 and approved bythe full Arts Commission on February 7, 2011 for implementation by both theDowntown and Fisherman's Wharf lotteries.

Mr.Lazar explained that the full Arts Commission passed the motion to use theMillard proposal in the lottery system for the Downtown and Wharf areas at theFebruary 7, 2011 meeting. The same procedure (Millard proposal) would beapplied to the Cliff House lottery rules if the motion in item #2 is passed.

Mr.Lazar announced that the City Attorney clarified that implementation of theMillard proposal would not require an ordinance amendment. Mr. Lazar read aletter from the City Attorney which clarified that the ordinance does not limitthe number of random drawings that can take place during the lottery processand that implementation of the Millard proposal was within the ArtsCommission's discretion. Mr. Lazar will notify Downtown and Fisherman Wharf LotteryCommittee that implementation of the new procedure should begin on Friday andhe will supply the Committee with new lottery slips.

CommissionerChew believed that the same lottery rules should be city wide. Mr. Lazarmentioned that Director of Cultural Affairs, Luis R. Cancel, would like to seethe same lottery rules city wide as well.

Commissioner Silverman motioned toapprove for the Cliff House Lottery a recommendation to adopt a

two-tieredlottery system comprised of two random drawings for assignment of sellingspaces: (1) a Main random drawing for the selection of spaces; and (2) aSecondary random drawing for spaces left over from the selection of spaces by theMain drawing; the motion was seconded by Commission Chuang.

StreetArtist Toney Burkhart, who sells at the Cliff House area, said he has beeninvolved in the program for 39 years. He wanted to see the lottery rules as thesame throughout all street artist locations.

StreetArtist Amanda Nordquist, who sells at the Cliff House area, said that she willagree with whatever rules are passed. She was unsure why the Cliff House wasn'toriginally included in the previous proposal by James Millard. Originally shewas against the Millard proposal. Since there are only 3 spaces, she said itseems ridiculous to have two lotteries, but they will make it work.

StreetArtist Marc Melancon, who sells at the Cliff House area, asked for the amountthe City Attorney charged the Arts Commission to give the answer to thequestion of whether the ordinance needed to be changed and he asked the name ofthe person who wrote the letter from the City Attorney's office. Mr. Lazar gaveMr. Melancon a copy of the City Attorney's letter.

StreetArtist Sarah Huntoon, who sells at the Cliff House area, referred to themeetings and discussions that happened last year between the Program staff andthe Cliff House artists. She was glad to see that there will be some uniformity.She was disappointed that her original view for the Clarkproposal wasn't included in the original debate before the Street ArtistsCommittee because Mr. Lazar wanted to keep the Cliff House debate separate. Ms.Huntoon asked a technical lottery question as to whether the main lotterynumber trumps the secondary lottery number on the first day.

StreetArtist James Millard stated he was one of the original proposers of the Millardproposal. He said one of the desirable qualities of this proposal was that itremoved the possibility for other street artists to get bumped out of a space.He reminded the Cliff House artists that there are more spaces in variouslocations around the City to sell. He also reminded the Cliff House artiststhat the threat of violence will take away Cliff House spaces. The mostimportant lottery qualities are that it is fair, orderly and binding. Of allareas, the Cliff House streetartists have to avoid procedures that could promote violence and conflict.

Mr.Lazar asked James Millard to clarify the question of Sarah Huntoon. JamesMillard said that Sarah cannot be bumped by a main drawing space if she holds asecondary drawing slip.

CommissionerChew commented that the proposal had already been approved for the Downtown andWharf areas and there was a lot of street artist support for its application atthe Cliff House area.

CommissionerCalloway comments that he appreciates James Millard's sincerity in trying toget this lottery procedure running.

The motion was unanimously approved.

3. *Discussion.* **Street Artists Program Director'sReport.**

40th AnniversaryCelebration: Mr. Lazaris planning to meet with the JustinHerman Plazamarket managers to discuss what they envision for the 40th anniversarycelebration. Many street artists have proposed ideas for the celebration to Howardbut he would like more concrete ideas. Next year will also be the 80thanniversary of the Arts Commission.

Street Artist highlighted in *Guideposts* Magazine: Ten photographs of inspirational andspiritual statuary by Street Artist Michael Johnson were selected by *Guideposts* magazine.

80th Anniversary ArtsCommission book: ProgramAssistant, Alyssa Licouris, has been digitally archiving old photographs andnewspaper articles relating to the street artists as well as resorting oldpress articles. Some of these documents may be included in the 80thAnniversary Arts Commission book which is in the process of being written.

Artist Checklist: With the suggestion from LiaisonCommittee member Tad Sky and the proposal from the Liaison Committee, theStreet Artists Program office was able to introduce a checklist format fornoting street artist violations. This checklist will help the AdvisoryCommittee members during their monitoring duties. The artist immediately knows thetype of violation they are committing. The Artist Checklist tablet consists ofduplicate ncr paper so once the Advisory Committee member is finished withnotes on the artist, the artist can have a copy and the other copy goes to the StreetArtists Program office for follow up with possible disciplinary action. Two ofthe members used these forms last week and they received good feedback from theartists.

Public records requests and SunshineTask Force items: SinceJuly 1, 2011 to the present, 186 staff hours have been devoted to fulfilling publicdocument requests and Sunshine Task Force items. This number does not includeaccounting staff member time or City Attorney conference time. For the previousfiscal year (2009-2010), 153 hours were devoted to these tasks. In 2008-2009,76 hours were devoted to these tasks.

Adjournment request: Mr. Lazar asked Chairman Chew if hewould adjourn the meeting in honor of street artist Lyn Magnuson who was a finejeweler and owned a jewelry store in NorthBeach. He has been missedamong the street artists and staff.

CommissionerChew stated that the Artist Checklist is a great idea. Commission Calloway commentedon the amount of City hours being tracked for fulfilling public documentrequests and Sunshine Ordinance matters. Commissioner Chew agreed and added thathours have been increasing and he believed such hours could be better spent onother matters of the Street Artists Program.

CommissionerChew asked for public comment on the Director's report.

AdvisoryCommittee Member Susan Tibbon commented on the Artist Checklist. She and AdvisoryCommittee Member Jacqueline Thompson used the Artist Checklist last week forthe first time. They introduced the form to the artists who found it helpful.She was glad to see it was not interpreted as a type of 'citation' and thankedMr.

Sky for suggesting the idea of the Artist Checklist.

Street Artist Maria Hillius confirmed with Mr. Lazar that the186 hours devoted to public record requests and Sunshine Ordinance matters weresince July 1. Ms. Hillius noted that it takes valuable staff time from other programissues. Ms. Hillius stated the office has been consumed by these requests forthe last 5 years.

CommissionerChew commented that Mr. Lazar's time could be used to plan the 40th anniversary celebration.

StreetArtist Amanda Nordquist said she has attended the past few Sunshine Task Forcemeetings and that members of the Sunshine Task Force have sent Mr. Lazar aletter reminding him of the guidelines for what it entails to create a document.An audio recording from the Sunshine Task Force meeting is on their website andshe encouraged everyone to listen to it.

Mr.Lazar commented that he has discussed with the City Attorney the printing cost ofdocuments. If a requestor wants documents, the Arts Commission charges $.10 perpage. There are no other costs levied on the requestor.

StreetArtist Marc Melancon asked how much the representative of the Arts Commission(who speaks at Sunshine Task Force meetings) is costing the Street Artist Programand why it is necessary for Mr. Lazar to confer with the City Attorney on streetartist Bluebook guidelines.

4. *Discussion.* **Report by Street Artists Liaison Committee.**

Liaison Committee Member Tad Sky gave the Liaison Committee report since theChairman was not present.

Mr. Skysaid that Chairman Michael Addario has not called a meeting in some time. Mr.Sky believes more meetings should be called because the Liaison Committee canmake a difference.

40th Anniversary: Mr. Sky agreed that there needs to be a committee to take careof the celebration plans as had been done for the 25th anniversary. Fundingfrom the Arts Commission for banners could be requested. He believes it shouldbe at Justin Herman Plazabecause that was the first streetartist location.

Kiosks: One of the Market Managers hadwanted to rent a JC Decaux kiosk. Mr.Sky believed rent and liability will stop that project.

F Line: Street Artists will need replacementspaces for Beach and Jefferson streets during the F-Line construction so streetartist opportunities won't be lost.

Pier 33/35: There has been no movement ongaining spaces at the Port, but spaces by Pier 33 and 35 could possibly replacethe loss of spaces on Beach Streetor Jefferson Streetdue to the F-Line construction.

Spaces at BART: Street Artists have been informallyusing the area at the end of the "Café (Market Street near

Drumm Street) spaces". They would like toformalize these spaces. Mr. Sky wants to propose to add these spacespermanently and will send a formal proposal.

Artist Checklist: Mr. Sky is pleased to see that the Artist Checklist was printed. This method shouldstream line the monitoring duty to help make it easier. One of the AdvisoryCommittee members had some defiance against the checklist. Because there is notenough money for a full-time or part-time art inspector, the street artistswant to see the Advisory Committee members do this job using the checklist. Mr.Sky showed a few items to the Commissioners that he had purchased from the Gift Centerwhich are being sold illegally by some street artists. Without inspection, hesays, the street artists are starting to look like a flea market. Hopefully thechecklist will help to more thoroughly inspect the artists' wares. Mr. Sky wantedto know how much money in the budget can go towards inspection especially withthe 40th anniversary coming up.

CommissionerChew asked for public comment regarding the Liaison Committee report.

StreetArtist James Millard agreed with Tad Sky's argument for needing more inspection.He said he believed it is reasonable for the Advisory Committee to hand outchecklists and that we need at least one senior member on the AdvisoryCommittee. Monitoring should be delegated to new members if the older membersdon't want to do it.

LiaisonCommittee Member Debra King stated the Checklist will help with the ethics ofthe street artists. Not only will it help with the appearance to the public, shesaid, but it will also help with the morale of the street artists. It isimportant for street artists that everyone is acting ethically as a participantof the program.

5. *Discussion.* **New Business/Public Comment.**

StreetArtist Maria Hillius suggested thatthe BART spaces that Mr. Sky referred to would be very useful to the streetartists. She also suggested that the Street Artists Program office createspecial Justin Herman Plazaslips for their lottery.

StreetArtist James Millard suggested that the Street Artists office provideCommissioners who join the Street Artists Committee with manuals on thefunctions of the Street Artist Program, what the Committee members can and can'tdo and what is expected of them. This will help introduce them to the program. Healso suggested that the Liaison Committee meet outside of 25 Van Ness where itwould not be able to vote on issues but act more as a brainstorming session fornew ideas.

StreetArtist Amanda Nordquist said she wanted all street artists to be aware that theStreet Artists Program is fully funded by the street artist license fees whichin turn pay for Mr. Lazar's salary. She further stated that Mr. Lazar has beencalled to Sunshine Task Force hearings for requests regarding Mr. Lazar'ssalary and benefit information, fees charged to Street Artist Program, detailsabout fees to City Attorney fees for legal advice which are all categorized aspublic information. Ms. Nordquist quoted some Sunshine Task Force members from aFebruary 22, 2011 meeting which Mr. Lazar did not attend but sent arepresentative to this and other meetings.

StreetArtist Marc Melancon submitted and read a public document request to Mr. Lazar tosee all evidence which was referenced to in a letter which was sent to Mr.Melancon on December 20, 2011 regarding an incident of violence that occurredat the Cliff House between Mr. Melancon and Mr. Burkhart. Mr. Melancon alsorequested to see any evidence of City Attorney counsel in this case and any CityAttorney fees that were charged to the Street Artists Program regarding thiscase. Mr. Melancon asked why Mr. Lazar isn't showing at the Sunshine Task Forcemeetings, how much a representative to the meetings is costing the StreetArtists Program, and what page of the Program's Bluebook describes the ethicsof the Street Artist Program.

Commissioner Chew adjournedthe meeting in honor of Lyn Magnuson at 4:24 p.m.

Respectfully submitted:

Alyssa Licouris, StreetArtists Program Assistant

Minutes approved:

Howard Lazar, Street ArtistsProgram Director

May 11, 2011

Street Artists Committee - May 11, 2011

STREETARTISTS COMMITTEE

Wednesday, May 11, 2011

3:00p.m.

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Agenda

1. *Action.* **Hearing and possible motion toapprove re-issuance of former certificate number (#899) to street artistKathleen Hallinan (currently #8396).**

2. *Discussion.* **Street Artists ProgramDirector's Report.**

3. *Discussion.* **Report by Street Artists Liaison Committee.**

4. *Discussion.* **New Business/Public Comment.**

5. **Adjournment.**

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Members present: Greg Chew, Chair, John Calloway, Amy Chuang
Members absent: Sherene Melania, Jessica Silverman
Staff present: Director of CulturalAffairs Luis R. Cancel, Street Artists Program Director Howard Lazar, StreetArtists Program Assistant Alyssa Licouris

Commissioner Chew, Chair, called the meeting to order at 3:00 p.m

1. *Action.* **Hearing and possible motion to approve re-issuance of former certificatenumber (#899) to street artist Kathleen Hallinan (currently #8396).**

Street Artists ProgramDirector Lazar introduced Ms. Kathleen Hallinan who, he said, has been in theprogram since 1974. She has renewed consistently her certificate #899 untilrecently exceeding the 10 day grace period for renewing. Like Mr. DavidBrancato a few months ago, Ms. Hallinan is asking that her former certificatenumber be re-issued to her.

Ms. Hallinan presented theCommissioners with a photograph of herself from 1974. She stated that she hasbeen taking care of her husband's aunt full-time as well as dealing with a sickdog and managing property. On the last day of the 10-day grace period, she puther renewal payment in the mail but it didn't get pick up until the next day.Ms. Hallinan reminded the Commissioners of the copy of a letter that shepreviously sent to the Street Artists Program office. She

stated that she is sothankful for the Street Artists Program.

In answering a question ofCommissioner Calloway, Mr. Lazar reiterated that Ms. Hallinan has always beenin good standing and that there is precedence for reinssuance of a previouscertificate for Mr. Brancato.

Commissioner Chew statedthat he was pleased that Ms. Hallinan wanted to stay in the program.

Ms. Hallinan described thesentimental value that her previous license number has to her since #898 washer mother's number and #899 was her own number.

Commissioner Calloway motioned to approve re-issuanceof former certificate number (#899) to street artist Kathleen Hallinan(currently #8396); Commissioner Chuang seconded the motion.

Therewas no public comment.

The motion was unanimously approved.

CommissionerChuang commented that in the Chinese culture, #899 will bring Ms. Hallinan goodfortune.

2. *Discussion.* **Street Artists Program Director'sReport.**

Online Payment: The online payment site is still inprogress. The City Attorney's office is checking over the contract between the vendorand the Arts Commission to make sure the contract is tailored to the ArtsCommission.

Public records requests and SunshineTask Force items: SinceJuly 1, 2011 to the present, 208.5 staff hours have been devoted to fulfilling publicdocument requests and Sunshine Task Force items. This figure includes 22.5hours since the last time reported to the Street Artists Committee a month ago.For the previous fiscal year (2009-2010), 153 hours were devoted to thesetasks. In 2008-2009, 76 hours were devoted to these tasks.

Adjournment request: Mr. Lazar asked Chairman Chew if hewould adjourn the meeting in honor of street artist Allen Frost who recentlypassed away. He was one of the very first streetartists even before there was a Street Artists Program.

Advisory Committee Update: Member Mathew Porkola resigned fromthe Advisory Committee of Street Artists and Crafts Examiners and this leaves twovacancies since it is a five-member committee. Ms. Licouris and Mr. Lazar willstart the process of informing the public and accepting resumes for thesepositions. The main requirement for applicants is that they must be arts andcrafts people. Mr. Lazar will confer with the City Attorney on whether the interviewingprocess has changed. In answering a question of Commissioner Chew, Mr. Lazar willpost information on the Arts Commission's website with details regardingcompensation so it is not confused as a full-time position.

CommissionerChew asked about a 40th anniversary update. Mr. Lazar stated that hehadn't heard of any news.

CommissionerChew asked for public comment.

StreetArtist Tad Sky reported on the 40th anniversary. There are 6 peoplefrom Justin Herman Plaza,he stated, who would like to help on the committee. Mr. Sky asked for a meetingto get started and to pick a date soon. There are other street artistsinterested from JustinHerman Plazawho have shown interest in helping but don't want to be on the committee.

CommissionerChew commented that it would be appropriate to have the 40th anniversaryevent in conjunction with the 80th anniversary of the ArtsCommission.

StreetArtist Michael Addario stated that Mr. Lazar shouldn't be taking time topromote the 40th anniversary since it is not in his job descriptionor in the ordinance. While Mr. Addario stated he believes that a celebration isa good idea, he stated there are other issues that need immediate attentionsuch as contacting the Port to obtain spaces at the Wharf to replace the spacesto be lost during street re-construction. He also reminded the Commissionersthat there needs to be a vote about the celebration. He suggested that Mr.Lazar could help with the 40th anniversary on his own time and that fundsshouldn't come from the Street Artists account.

CommissionerCalloway stated adamantly that Mr. Lazar should be involved in the 40thanniversary.

StreetArtist Maria Hillius disagreed with the statements of Mr. Addario. She stated thatMr. Lazar is the best person to help the street artists. If Mr. Addario doesn'tagree with having Mr. Lazar help, she said, Mr. Addario should find and offer areplacement instead of just disagreeing.

CommissionerCalloway reminded all that if it's a 40th anniversary sponsored officiallyby the Arts Commission, a

staff member from the Arts Commission needs to beinvolved at some level.

3. *Discussion.* **Report by Street Artists Liaison Committee.**

LiaisonCommittee Chairman Michael Addario reported about the Fisherman's Wharf issuesregarding the F-lineconstruction and the Jefferson Streetproject. The F-Line construction project will affect both Jefferson and Beachstreets which reports say could occur before or after the America's Cup. Thiswill seriously disrupt 50-100 spaces. JeffersonStreet will be repaved and more of a pedestriansidewalk will be added with less vehicular traffic. Also, stands will be placedat Aquatic park for the America'sCup. The Liaison Committee voted in August to move forward with this issue totry to make contact with the Port to see if street artists can acquire morespaces at Pier 33 but there has been no movement since the vote. Mr. Addario statedit is under Mr. Lazar's job description to talk to the Port and get additionalspaces since Mr. Addario can't go to the Port himself. Mr. Addario hoped thatthe issue can be placed on the next agenda if it is required. He noted that hewould help Mr. Lazar once Mr. Lazar makes the first contact with the Port.

Mr.Addario stated that the reason why Sunshine requests are coming from two othermembers is because there are a lot of issues that haven't been told to them asstreet artists. For example, an $18,000 charge for Mr. Cancel and Ms.Manton'sservices with a 5% service fee was charged to the Street Artists Program. Thesefees were decided, he said, in a meeting that should have been public. Also,Mr. Addario said he had a problem with the presence of the policeman who wasasked to attend the Street Artists Program Committee meeting. He stated that it'sa form of intimidation and that it's a dangerous situation to have a policemanwith a gun if there is no threat. He reminded Commissioners that he hassuggested that the meetings occur at City Hall in a secure place but hisrequests were denied.

LiaisonCommittee member Tad Sky reported on the Justin Herman fact sheet he createdwith a few members a year ago to give to new street artists. Mr. Sky gave Ms.Licouris a copy of the fact sheet packet.

Mr. Skyreminded Commissioners that the term for the Liaison committee ends in June andthat they should call for an election soon.

Mr. Skyaddressed the usage of the Artist Checklist by the Advisory Committee onmonitoring assignments. Mr. Sky stated that Advisory Committee member SusanTibbon said last month she was initially happy with the checklist template. Atthe last screening meeting, however, he had a conversation with the Advisory Committeemembers and they felt the checklist was too short and didn't have adequatespace for notes and comments. Mr. Sky explained that he believed the checklistwas helpful to streamline the process so artists knew what their violationswere that they were receiving. Mr. Sky is concerned that artists who aregetting these violations are not getting suspended but only rescreened. He statedthey should be sent to the Street Artists

Program Committee meetings forsuspensions for serious violations and not to get rescreened. Mr. Sky reportedthat, according to Ms. Tibbon, the other Advisory Committee members were upset thatMr. Porkola left and that the others might leave soon as well. Mr. Sky statedthat this is an opportunity to get new people who want to be involved in theArts Commission since many of the current Advisory Committee members haveserved well over their two year term. Mr. Sky added that it is easy to addanother set of notes to the violations. He stated it is important for the 40thanniversary to have a good, clean program with handmade goods.

Mr. Sky askedwhy people are let into the program from different states. By letting thesepeople enter the program, they will never be asked for a studio visit since theAdvisory Committee won't travel to other states. He asked if it was possible tolimit the program to the nine Bay Area counties.

Mr.Lazar answered that there is no limitation on where an artist can live since itis not stated in the Street Artists Ordinance. They only way to change it wouldbe to go back to the ballot.

Mr. Skycommented on the 40th anniversary. Everyone he's talked to wants abig celebration with music and a stage. Once there is a committee meeting, theycan figure out funding and proposals. Mr. Sky stated he isn't comfortable with workingwith anyone but Mr. Lazar on this project since they worked successfully togetheron the Program's 25th anniversary event. He added that the upcomingcelebration shouldn't take too much time to plan.

Mr.Cancel said he wouldn't miss the celebration.

Mr.Lazar commented that the issue that made the 25th anniversary difficultwas getting permits for closing off BeachStreet. In the case of the 40thanniversary, if the event were to occur at Justin HermanPlaza, no street closing wouldoccur and the committee would only work with Park and Recreation.

4. *Discussion.* **New Business/Public Comment.**

Mr.Cancel commented on the Liaison Committee election. He is requesting that theArts Commission use the summer to evaluate the past year of the LiaisonCommittee experiment. At that point, the Arts Commission will makerecommendations to the Street Artists Program Committee to continue or modify theLiaison Committee or try another route.

Mr.Addario stated that ad hoc is a better idea for the committee. Mr. Lazar, hesaid, as a secretary to the committee is a conflict of interest. In thebeginning, Mr. Addario said, the Liaison Committee was supposed to beindependent but number of meetings was changed by Mr. Cancel to one every threemonths; Mr. Addario

called this situation a dictatorship.

Mr.Calloway commented that, when Mr. Addario engages in hyperbole, it is hard totake him seriously.

MariaHillius stated that she hopes that the Liaison Committee will continue to workwith the Arts Commission, Mr. Lazar and Mr. Cancel. She stated that when Mr.Addario became Chair of the Committee, he had his own agenda and it was hardfor anyone else to bring ideas to the table. She doesn't want to see the LiaisonCommittee discontinued because of him. She stated that Mr. Addario didn'trepresent the group but only his personal agenda in terms of when meetings wereheld and what was on the agenda, which she said, in her view made him adictator.

Tad Skyalso commented that there were high hopes for the Liaison Committee and wantsit to continue. Mr. Addario, he stated, refused to have meetings. The LiaisonCommittee has been ineffectual because of the chairperson and Mr. Sky said he hopesMr. Addario will not run again if he thinks the Committee is worthless. Mr. Skystated it is more important than ever for the Liaison Committee to continue so theycan help work on the 40th anniversary plan.

Commissioner Chew adjournedthe meeting in honor of street artist Allen Frost at 3:43 p.m

Respectfully submitted:

Alyssa Licouris, StreetArtists Program Assistant

Minutes approved:

Howard Lazar, Street ArtistsProgram Director

5/31/11

July 13, 2011

Street Artists Committee - July 13, 2011

STREETARTISTS COMMITTEE

Wednesday, July 13, 2011

3:00p.m.

25 Van Ness Avenue, Suite 70

Agenda

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1. *Discussion.* **Street Artists ProgramDirector's Report.**

2. *Discussion.* **Report by Street ArtistsLiaison Committee.**

3. *Action.* **Hearing and possible motion to approve Program Director's recommendation of denial of certificate orrenewal.**

   Leah Mazor – Certificate #8345. Alleged violations: Conducting business in an improper, disorderly,hazardous manner (disruption of artists' businesses) – 10 incidents.

4. *Action.* **Hearing and possible motion top approve Program Director's recommendationof denial or certificate or renewal.**

   Homan Yim – Certificate #8005. Alleged violations: Conducting business inan improper, disorderly, hazardous manner (selling items not previouslyapproved by Advisory Committee of Street Artists and Crafts Examiners;exceeding display size regulations; not displaying certificate prominently;allowing a salesperson to sell

Mr. Yim's wares).

5. *Discussion*. **New Business/Public Comment.**

6. Adjournment

Notices

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Publiccomment in regard to specific items will be taken before or duringconsideration of the item.

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July 13, 2011

Street Artists Committee - July 13, 2011

STREET ARTISTS COMMITTEE

Wednesday, July 13, 2011

3:00 p.m.

25 Van Ness Avenue,Suite 70

Minutes

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Members present: Greg Chew, Chair, Amy Chuang, Sherene Melania, Jessica Silverman
Members absent: John Calloway
Staff present: Street ArtistsProgram Director Howard Lazar

Commissioner Chew, Chair, called the meeting to order at 3:02 p.m.

1. *Discussion.* **Street Artists Program Director's Report.**

StreetArtists Program Director Howard Lazar reported on the following:

Street Artist highlighted in Chronicle: Craig Goldman, sea glass jewelry artist, was featured in the June 16-19, 2011edition of the *SF Chronicle*. A photoof his work was included in the article which also featured activities on Hydeand Beach Street.

Meeting with China Ministry: Mr. Lazarwas approached by the China Ministry of Culture Delegation to discuss how theStreet Artists Program works including lottery and licensing processes as wellas the Arts Commission in general. On July 6, 2011, Mr. Lazar and ProgramAssistant Alyssa Licouris met with 27 individuals who represented differentcultural institutions from 15 provinces of China and their interpreter. Mr.Lazar felt honored that the Ministry chose to meet with the Street ArtistsProgram.

Street Artists spaces relocated: On July7, 2011, Mr. Lazar met with the Union Square Business Improvement District, theForever21 manager and several street artists to relocate street artists spacesat Hallidie Plaza due to the placement of the new Muniticket booth. They agreed to move street artists spaces near the rail of thePlaza in order to permit a wider pedestrian thoroughfare and for street artiststo have more access to the public.

Highlights of past fiscal year:

1. For the entire FY 2010-11, 227 staff hours weredevoted to fulfilling public documentrequests and Sunshine Task Force items. This number does not include accounting staff time or City Attorney time.For the previous fiscal year (2009-10), 153 hourswere devoted to these tasks. In 2008-09, 76 hours were devoted to these tasks.

2. Street Artists gained 8 additional permanentselling spaces designated by the Board of Supervisorsin the Castro area ("MiniPlaza" created by GavinNewsom) at 17th and Marketstreets.

3.The Street Artists Program continued in its 39th year of operation as acost-neutral, self-sufficientlicensing program entirely supported by its license revenue and providing opportunity to over 400 artists to earn aliving for themselves and their families.

4.The Street Artists Program continued to contribute an estimated annual $4million in sales to San Francisco's economy.

5.During the fiscal year 2010-11, the Street Artists Program received presscoverage in six articles (twice inthe *SF Examiner* and four times in the*SF Chronicle*).

6.The Street Artists Program document "How to obtain a street artistslicense" was translatedinto Mandarin and Spanish.

7.A two-tiered lottery system favored by artists and comprised of two randomdrawings for assignment of sellingspaces was adopted by the Arts Commission.

8.Program Director Howard Lazar was contacted by the Santa Fe Street ArtistsProgram asking for advice aboutestablishing criteria for photography.

9.The Street Artists Program remained an avenue for people to earn a living especially during the present economy.

10. Enforcement of street artist rules andregulations for 2010-11 included 3 studio visits, 47 warnings, 4 Street Artists Program Committee hearings, and3 Program Director hearings.

Therewas no public comment.

2. *Discussion.* **Report by Street Artists Liaison Committee.**

Liaison Committeemember Tad Sky reminded Commissioners that the Liaison Committee's term ends onJuly 31, 2011. He stated the members received a letter from Mr. Cancel and Mr.Lazar saying that they valued their input of the committee and appreciatedtheir work. Mr. Sky proposed that, in the near future, another LiaisonCommittee be formed and asked the Arts Commission to consider restarting thecommittee. Mr. Sky submitted a petition with 82 signatures of street artists urgingthe Arts Commission to form another 5 person committee which would be eitherelected or appointed. Mr. Sky stated that the committee is valuable and saves Mr.Lazar a lot of time since many questions can be answered before having to takethem to Mr. Lazar.

CommissionerChew asked how the committee was formed. Mr. Lazar answered that the 5 memberswere elected. Commissioner Melania agreed that they should keep the Liaison Committee.

LiaisonCommittee Chairman Michael Addario agreed that the committee should go forward thatit's members should be elected and that it should operate as an independentcommittee.

Mr.Addario reported that the audit of the Street Artists Program had beenpublished after a two year wait. According to Mr. Addario, the report validatedthe claim that it was not necessary to raise the street artists fees, that Mr.Cancel had no authority to charge the Street Artists Program with $18,000 forhis and Director of Programs Manton's salary and benefits, that the ArtsCommission staff have mismanaged the program, that the street artists deservean apology and refund for the overcharge during Mr. Cancel's tenure, and thatit confirms that Arts Commission staff is not competent or trustworthy and shouldn'tbe handling funds.

Mr.Addario reported that a letter has been sent to the Ethics Commission by theSunshine Task Force asking to discipline Mr. Lazar for multiple violations ofthe City's Sunshine Ordinance. Mr. Addario also stated that Mr. Cancel nevertook the Sunshine training until April 2011, and last August, Mr. Lazar wasasked to talk to the Port about getting additional spaces and he has not doneso at this point in time.

Mr.Lazar responded by urging Commissioners to read the full audit since only oneside of the story was discussed by Mr. Addario.

CommissionerChew asked for public comment.

StreetArtist and Liaison Committee member Debra King, a 35 year program participant,appreciated the audit but claimed that no program is perfect and that the StreetArtists Program has helped her make her career for the past 35 years. Ms. Kingstated that the Liaison Committee has been very helpful to the program andprovides a forum. Ms. King claimed that only 10% of issues ever go to the StreetArtists Program Committee level because 70% of the issues are resolved anddiscussed by the Liaison Committee first at the market place and 20% of issuesare resolved at the Liaison Committee level.

Mr.Lazar and Commissioner Melania answered Commissioner Silverman's questionregarding the committee

process by explaining that the committee is based on anelection with the help of the Street Artists Program Committee.

StreetArtist Maria Hillius commented that she liked the fact that street artistscould send in their votes for Liaison members last year. She suggested thatstreet artists who would want to be a part of the committee should first sendin their resumes along with their issues they want to see discussed orchanged.

StreetArtist Leah Mazor credited the committee for helping to deter the establishmentof a flea market at JustinHerman Plazawhich the Department of Recreation and Park was considering.

Market Manager John Tunui said that the Liaison Committee is valuable to Justin Herman Plaza because it can help fix issues on the spot that the managers can't deal with or don't have experience handling.

3. *Action.* **Hearingand possible motion to approve Program Director's recommendation of denial ofcertificate or renewal.**

Leah Mazor – Certificate #8345. Allegedviolations: Conducting business in animproper, disorderly, hazardous manner (disruption of artists' businesses) – 10incidents.

Mr.Lazar presented the case involving Ms. Mazor and her primary violations which mainlyincluded disruption of artists' businesses from March 18 - May 8, 2011consisting of a variety of disruptions dealing with members of the public,market managers, and other artists. Mr. Lazar recommended denial of renewal ofcertificate of Ms. Mazor since her actions were a significant threat to the StreetArtists Program and her violations were considered serious. Mr. Lazar statedthat the history of Ms. Mazor's actions for the past three years has included:a warning on April 15, 2010 for selling items intended for human consumption (theStreet Artists Program Committee refused Ms. Mazor's request to withdraw thewarning); and on August 13, 2009, Ms. Mazor was found in violation forattempting assault by throwing a glass bottle at a person and was given a 2week suspension which Mr. Lazar called "lenient".

CommissionerChew expressed frustration over so many violations during a short period oftime by Ms. Mazor. Commissioner Melania agreed and stated that they have triedto reason with Ms. Mazor but it hasn't seemed to work and that they owe it to theother street artists to think about the working environment that they must dealwith.

Mr.Lazar called upon Market Manager John Tunui to speak about the original letterthat stated the incidents of the case. Mr. Tunui explained that the marketmanagers keep a daily incident report for Justin HermanPlaza which enables themto watch for patterns of street artists behavior. Once the report was taken toMr. Lazar in May, he said, Ms. Mazor's disruptive behavior stopped.

FormerMarket Manager Tad Sky reminded the Commissioners that the manager position isvolunteer only. He stated that the hardest part is when street artistschallenge authority and have disruptive behavior. For the most part, Ms. Mazorhas been more of a hindrance at JustinHerman Plazain his manager experience. He witnessed the report's April 29, 2011 incidentwhere she was yelling at Mr. Tunui. Mr. Sky stated that an anger managementclass would be helpful for Ms. Mazor. He reminded the Commissioners about howshe challenged the market manager position in 2007 which was part of herhistory.

LiaisonChair Michael Addario stated he was a witness to the bottle throwing incidentat Justin Herman Plaza.Ms. Mazor admitted to him that she threw the beer bottle across Justin HermanPlaza which shatteredeverywhere. He said he didn't actually see her throw it but Ms. Mazor admittedto throwing the bottle. Mr. Addario didn't call the police because he didn'twant the Plaza's spaces to get taken away. He said he was upset to see her receiveonly a 2 week suspension for the bottle throwing incident and that he wouldlike to see her license revoked this time around.

MarketManager Susan Levinson witnessed the incident on April 23, 2011 involving Mr. Tunui.Ms. Levinson told Ms. Mazor that she should write a letter to Mr. Lazarregarding Mr. Tunui's actions if she wasn't happy with them. Ms. Mazor startedscreaming at Ms. Levinson while she was dismantling her booth. They did have a talkabout her behavior and Ms. Mazor agreed she had an anger issue. Ms. Levinsonstated that Ms. Mazor's behavior continues to be disruptive and does not seemto stop.

MarketManager Ron Vanini witnessed one of the incidents regarding Ms. Mazor sellingchocolate which many of the artists claimed were gifts. Mr. Vanini stated thatMs. Mazor said she had sold the chocolate while she had been packed up and shecould do whatever she wants at JustinHerman Plaza.Mr. Vanini explained he had witnessed Ms. Mazor overact many times, even when achild touched her booth and Ms. Mazor began a confrontation with customers. Mr.Vanini agreed she should no longer be part of the program.

StreetArtist Leah Mazor asked if she could appeal the Program Committee's decision tothe Board of Appeals. Mr. Lazar said she could not appeal to the ArtsCommission but could appeal to the Board of Appeals. Ms. Mazor explained thatshe was not selling on March 18, 2011 as it said on the report by Mr. Tunuisince her FasTrak bill did not show her crossing the bridge on that day. Ms.Mazor submitted a copy of a FasTrak bill. Ms. Mazor requested more detailsregarding a May 19, 2011 incident with a member of the public and wanted to seethese show up at the meeting. Ms. Mazor stated she is accused of certainviolations but that people are lying and need to prove these allegations. Shealso claimed the April 2, 2011 incident didn't exist and that she didn't workon April 21 according to her fastrak bill. She agreed that the only incident thathappened with Mr. Tunui dealt with smoking but she wasn't smoking near a booth.She was upset with Mr. Tunui because he gave a space away illegally. Regardingthe bottle incident, she wanted to know what steps Mr. Lazar took when Mr.Addario attacked a customer on the plaza.

CommissionerSilverman confirmed that they were looking at just March through May incidents.She asked Ms. Mazor if she was interested in continuing to be a street artist.Ms. Mazor stated she was only concerned about the next two weeks and then shewas done with the program.

CommissionerChew suggested that there were other venues for Ms. Mazor to to sell herchocolates. Commissioner Chew said he was bothered by the amount of violations hiscommittee received by her fellow artists.

Mr.Lazar reiterated that the sum of the incidents showed a disregard for the rulesand the well being of the street artists, and that the artists were at Justin HermanPlaza at the pleasure ofthe Department of Recreation and Park. He again recommended denial of renewalof certificate. Ms. Mazor's permit expires August 9, 2011.

CommissionerMelania stated she was disappointed to see these incidents continue by Ms.Mazor and reminded Commissioners that she was warned that she wouldn't be givenleniency if she continued to violate.

Commissioner Melania moved that Ms. Mazor befound in violation by conducting business in an improper, disorderly, hazardousmanner and that her continuation in the program threatens the integrity of the StreetArtists Program and the well being of the artists; Commissioner Chaung secondedthe motion.

CommissionerChew asked for public comment.

Mr.Addario commented that Ms. Mazor has diminished credibility and, because shehas a reputation for returning even when she says she is leaving, he believedthe best option for her punishment would be to revoke her license.

Commissioner Melania moved that Ms. Mazor's certificate (#8345) be revoked; Commissioner Silverman seconded the motion.

Both motions unanimously passed.

4. *Action.* **Hearing and possible motion topapprove Program Director's recommendation of denial of certificate or renewal.**

Homan Yim – Certificate #8005. Alleged violations: Conducting business in an improper,disorderly, hazardous manner (selling items not previously approved by AdvisoryCommittee of Street Artists and Crafts Examiners; exceeding display sizeregulations; not displaying certificate prominently; allowing a salesperson tosell Mr. Yim's wares).

Program Director Lazar recommendeddenial of renewal of certificate since Ms. Yim's actions constituted asignificant threat to the integrity of the Street Artists Program. Mr. Yim wasfirst licensed on July 9, 2009.

On August 4, 2010, a warning was issued to Mr.Yim for exceeding display size regulations. In December 2010, he was issuedanother warning for his display size as well as selling in an illegal space forwhich he requested a hearing with Mr. Lazar. At the Program Director's hearing,Mr. Yim signed a statement agreeing to abide by all the street artists rulesand regulations. The last violations consisted of 4 specific rules of whichmany were serious violations such as having a sales person. Another seriousviolation that occurred was that he was selling many items that had not been approvedby the Advisory Committee of Crafts Examiners. Mr. Lazar submitted picturesfrom the Advisory Committee report along with the Committee's checklists ofviolations and he stated the report and photos with the history of violationsmake this case fall under the serious violation category.

StreetArtist Homan Yim explained that the reason he got into trouble was because hewas trying to help other people sell. He stated that he didn't sell a singleshirt on that day of the violation and that he designs the shirts but someoneelse does the screen printing on them.

Mr.Lazar reminded Mr. Yim that the rules of the Street Artist Program state thatan artist is only allowed to sell what the artist makes himself.

Mr.Yim explained that he can make the bracelets himself but he was selling otherbracelets to help someone else.

CommissionerMelania reiterated that an artist is only supposed to sell what he or she hasbeen approved to sell. Mr. Yim stated that at the time of the incident he hadhis own table and there was a table with other merchandise he didn't make nextto his table, and that he did not believe he set up illegally.

CommissionerMelania and Commissioner Chew corrected him by stating that he was illegallyset up. The commissioners warned Mr. Yim that he could not sell things that hedidn't make because he could get into trouble.

CommissionerMelania asked why Mr. Yim signed the agreement without following the rules. Mr. Yim stated that he tried to help other people.

Mr.Lazar reiterated that the photos of Mr. Yim showed him with two display tables.Mr. Yim explained that one table belonged to another artist. Mr. Lazar statedthat the Advisory Committee report noted that Mr. Yim had set up two tablesalong with a large number of t-shirts and bracelets that were not just namebracelets.

Inanswering a question by Commissioner Melania, Mr. Lazar stated that Mr. Yimjoined the program in July 2009 and that there were no violations by Mr. Yim dealingwith aggressive behavior.

CommissionerSilverman stated that she wanted to make sure that Mr. Yim understood the problemso he could continue to be successful in the program. Mr. Yim agreed that hedid understand.

Mr. Yim said that he wanted to help the street artist, Ms. Tan, with her table. Mr. Yim said that what he did was wrong and that his friend was signed up for a screening for t-shirts. Mr. Yim stated he would only make his name bracelets.

CommissionerSilverman stated that she wanted to make sure Mr. Yim was aware that the rulesare not negotiable and that his new items will need to be screened if he wantsto continue to sell them.

CommissionerChuang spoke in Cantonese to Mr. Yim.

CommissionerMelania advised that Mr. Yim should report any violations he sees other artistscommitting and that he should follow the rules even though other artists maynot be following the rules.

CommissionerChuang spoke in Cantonese again to Mr. Yim. Commissioner Chuang translated thathe said that he didn't understand why other artists were getting away withviolations. Commissioner Silverman reminded Mr. Yim that he needs to focus onhimself and again advised Mr. Yim to follow the rules and not worry about otherstreet artists.

Commissioner Melania moved that Mr. Yim be found in violation for selling items not previously approved by Advisory Committee of Street Artists and Crafts Examiners; exceeding display size regulations; not displaying certificate prominently; and allowing a salesperson to sell Mr. Yim's wares; Commissioner Silverman seconded the motion.

Street Artist Tad Sky stated thatthe violations were serious and that the Commissioners should revoke hislicense.

Street Artist Maria Hilius commentedthat Mr. Yim had gotten many opportunities to abide by the rules and that thecommittee should take action against him.

Street Artist Danny Yin stated thateach street artist should be punished for their actions and that Mr. Yimshouldn't violate the rules even if other people are not following them.

Street Artist Michael Addario statedthat the committee should be spending more time on other things but that Mr.Yim should receive some kind of penalty so other street artists understand theseverity of breaking the rules and that they can't get away with violations.

The motion unanimouslypassed.

Commissioner Melania moved to denyrenewal of Mr. Yim's certificate (#8005) for 3 months; the motion did not pass.

Commissioner Chuang proposed 2months for a denial of renewal since it would give him a little more time to beable to sell. Commissioner Silverman agreed that more time might not make adifference if he would change his habits.

Commissioner Chaung moved todeny renewal of Mr. Yim's certificate (#8005) for 2 months commencing on July13, 2011; Commissioner Silverman seconded.

CommissionerChew asked for public comment.

Ms. Hillius commented that the amountof time for a denial of renewal would reflect the severity of the punishmentand sets the standard.

Mr. Sky said that Mr. Yim needs the maximum punishment because he hurt other street artists' business.

The motion unanimously passed.

5. *Discussion.* **New Business/Public Comment.**

Ms. Hillius commented that she willmiss former Director of Cultural Affairs Luis R. Cancel because they used totalk in Portuguese together at the end of the meetings.

CommissionerChew adjourned the meeting 4:45pm.

Respectfully submitted:

Alyssa Licouris, StreetArtists Program Assistant

Minutes approved:

Howard Lazar, Street ArtistsProgram Director

7/26/11

September 14, 2011

Street Artists Committee - September 14, 2011

STREETARTISTS COMMITTEE

Wednesday, September 14, 2011

3:00p.m.

25 Van Ness Avenue, Suite 70

Agenda

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1. *Discussion.* **Street Artists ProgramDirector's Report.**

2. *Action.* **Hearing and possible motion to approve Program Director's recommendations of denial of certificate or renewal of the following certificate-holders for allegedly selling items of commercially manufactured pendants and bead craft jewelry, constituting the following alleged violations: (1) Displaying items not in accord with Arts Commission criteria; (2) Displaying items not of the artist's own creation; and (3) Displaying items not certified by the Arts Commission:**

Chia Ying Fong – Certificate #3616.

Jie Qing (Mabel) Ma – Certificate #7734

Zhenhui Feng – Certificate #7911

Xiu Shi – Certificate #7548

Wan Ling Li – Certificate #6084

Li Li Zhang – Certificate #8129

Sak Yee – Certificate #8397

3. *Discussion.* **New Business/Public Comment.**

4. Adjournment.

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September 14, 2011

Street Artists Committee - September 14, 2011

STREET ARTISTS COMMITTEE

Wednesday, September 14, 2011
3:00 p.m.
25 Van Ness Avenue, Suite 70

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PUBLIC LIBRARY

Minutes

Members present: Greg Chew, Chair, Amy Chuang, Sherene Melania, John Calloway
Members absent: Jessica Silverman
Staff present: Interim Director of Cultural Affairs JD Beltran, Street Artists Program Director Howard Lazar, Street Artists Program Assistant Alyssa Licouris

The meeting began at 3 p.m. with Commissioner Chew thanking Commissioner Chuang for her impromptu interpretation at the last meeting. He also stated that an interpreter was present at today's meeting.

Program Director Howard Lazar stated that Chia Ying Fong and Zhenhui Feng's hearings have been postponed until November since their attorney asked to continue their hearings due to a family emergency. Mr. Lazar reported that Jie Qing Ma, Xiu Shi, Li Li Zhang and Sak Yee were present. Ms. Wan Ling Li was not present.

1. *Discussion*. **Street Artists Program Director's Report**:

Street Artists Program Director Lazar reported on the following:
***Bold Italic* article**: The article profiled seven street artists (Amos Goldbaum, John Thomley, Linda LaTouche, Brennan Kane, Katie Carrin, Walter Molina, Stephen Phillips) asking them how they got involved in the program.

Chinese Delegation: Mr. Lazar was asked by Interim Director of Cultural Affairs JD Beltran to speak in front of a second Chinese Delegation from Guangzhou along with other Program Directors. They spoke about general arts and the street artists program.

Advisory Committee Vacancies: Mr. Lazar reported that there are two vacancies on the Advisory Committee of Street Artists and Crafts Examiners. Ms. Alyssa Licouris posted the job announcement on the Arts Commission website. The Street Artists Program Commissioners will interview candidates and submit three candidates for each slot to the Mayor.

Hari Thomas: Mr. Lazar's first assistant from 1976-1982, Hari Thomas, passed away. Mr. Lazar stated that he was a great printmaker and photographer.

Enforcement Measures: There were four notices sent to artists requesting rescreening. One studio visit will be scheduled for next month. Nine written warnings were sent to street artists at various locations. Mr. Lazar had three meetings with street artists to help resolve their disputes.

F-Line Proposal: At last Monday's Full Arts Commission meeting, Mr. Lazar presented the proposal from street artist James Millard and other artists dealing with the placement of a platform for the F line on Beach Street. Mr. Lazar and the artists are recommending to San Francisco Municipal Transportation Agency and National Park Service that the platform be moved one block west of the artists' spaces.

2. *Action.* **Hearing and possible motion to approve Program Director's recommendations of denial of certificate or renewal of the following certificate-holders for allegedly selling items of commercially manufactured pendants and bead craft jewelry, constituting the following alleged violations: (1) Displaying items not in accord with Arts Commission criteria; (2) Displaying items not of the artist's own creation; and (3) Displaying items not certified by the Arts Commission:**
Chia Ying Fong – Certificate #3616: Hearing was continued to the next Street Artists Committee meeting.

Jie Qing (Mabel) Ma – Certificate #7734: Mr. Lazar reported that the City Attorney advised that the Commissioners hear each artist case on a case-by-case basis. Mr. Lazar explained that the Advisory Committee is assigned to monitor the street artists in their locations to make sure they're selling what they're licensed to sell and following the criteria guidelines. The Advisory Committee members use a checklist when there is a complaint; one copy is given to the street artists and one copy is given to the Street Artists Program office. These forms were given to these seven street artists selling bead craft of various violations such as commercial pendants on a cord with no additions or pendant earrings on an ear wire. Mr. Lazar noted that the Street Artists Program does allow selling commercial pendants but the pendant must be an integral part of the whole item. A pendant, according to Mr. Lazar, is a dominant, focal object. He explained that the usage of a pendant is illegal when it either is not significantly altered or if it's the major, dominant piece of the item to attract the eye. Mr. Lazar decided these artists would also receive an invitation for June 16th informational meeting of the Advisory Committee members where the Committee members and Mr. Lazar explained the beadcraft and pendant criteria. Also at the meeting, street artist Tad Sky presented samples of beadcraft to illustrate what is allowed and not allowed. Mr. Lazar presented minutes and photos of the informational meeting to the Commissioners. Mr. Lazar confirmed that all artists except Wan Ling Li had attended. The Advisory Committee had taken pictures of each artist's display of beadcraft. Everyone, Mr. Lazar stated, was satisfied that communication took place at the meeting.

Mr. Lazar confirmed from Commissioner Chew's question that the June meeting was done only in English.

On July 19, 2011, Mr. Lazar received an e-mail complaint against each of the seven street artists stating that the screening committee at the June 16th meeting had said they were in violation. Violations, said the complaint, should be considered a 'serious' violation, according to the "Bluebook", which threatens the integrity of the program. Mr. Lazar stated the complaint reminded the office of the standard penalty which is two months for this type of violation. Mr. Lazar reminded the Commissioners that they can either mitigate or increase the penalty just as they've done in the

past. Mr. Lazar noted that he wanted to defer to the Commissioners for help in the decision. Mr. Lazar stated that the complainer was present and asked them to allow him to speak.

Commissioner Chew decided to accept the recommendation from the City Attorney's office to take each artist case by case. Commissioner Melania clarified that everyone except Ms. Wan Ling Li attended the informational meeting. Commissioner Chew asked Mr. Lazar if the seven street artists have valid permits, which Mr. Lazar confirmed.

Commissioner Chew asked Mr. Lazar the protocol for the hearing. Mr. Lazar responded that he should speak first, then Mr. William Clark, and then Ms. Ma. Commissioner Calloway asked the protocol about the complainer speaking to which Mr. Lazar said that the committee has always taken comments from the complainer.

Mr. Lazar reviewed the information regarding Ms. Ma's violation. The checklist issued by the Advisory Committee, he said, stated that she was selling "commercial earrings with or without little bead embellishments" and included a photo. Ms. Ma did attend the informational meeting. Mr. Lazar presented photos which the Advisory Committee took at the meeting identifying what Ms. Ma could and could not sell.

Mr. William Clark presented the Commissioners with a CD copy of the audio of the informational hearing. He stated that he was appointed by Mayor Alioto to serve on the first Advisory Committee. He explained what constituted non-serious and serious violations. According to the "Bluebook", he stated, a serious violation is when it "significantly threatens the integrity of the program". Mr. Clark stated that all of these artists were found in violation by the Advisory Committee and that they found that Ms. Ma's commercial pendants did not qualify. This type of violation, Mr. Clark stated, should have received a suspension of two months since it was a serious violation. Integrity of the program, he said, is being threatened by commercial manufacturers selling commercial pendants and street artists then selling products they don't make themselves. Mr. Clark reminded the Commissioners that Ms. Ma was found in violation by the Advisory Committee and that Ms. Ma admitted to selling these commercial items.

Ms. Mabel Ma was called first before the Commissioners and questioned with the help of translator Amanda Chen. Ms. Ma stated she is confused and shocked as to why she was brought in front of the Commissioners since she says she makes all of her items herself.

From Commissioner Chew's questions, Ms. Ma confirmed that she received a checklist from two individuals on April 19, 2011. Mr. Lazar stated she received a warning with an invitation for the informational meeting.

Commissioner Melania asked Mr. Lazar to clarify the purpose of the meeting. Mr. Lazar stated that it was an educational meeting. Mr. Lazar also agreed that he's confident that the artists present did understand the criteria. Mr. Calloway asked if there had been an interpreter at the informational meeting to which Mr. Lazar said there had not been an interpreter.

Ms. Ma confirmed that she did understand what she is and isn't allowed to sell as well as what she has been approved to sell.

Commissioner Calloway asked Mr. William Clark what the CD contained that he presented to the Commissioners. Mr. Clark stated it contained hearings. Mr. Lazar clarified that it is an audio recording of the informational meeting.

Commissioner Calloway asked if there was any evidence of Ms. Ma selling items not approved. Mr. Lazar replied that

she only has received the checklist. Mr. Lazar noted that a checklist might not be considered sufficient evidence to send it for a hearing since there were no accompanying photos.

Ms. Ma confirmed that she would not sell illegal things since she doesn't have a license for those items.

Commissioner Calloway reconfirmed the chain of events: Advisory Committee issues checklist; the informational meeting; then complaint letter from Mr. Clark. Commissioner Chuang said she was confused that Ms. Ma said the merchandise wasn't hers.

Ms. Ma said she received a letter and made an effort to become prepared prior to the informational meeting.

Mr. Lazar explained that Ms. Ma brought merchandise to show the Advisory Committee to see how she made her craft and if it qualified under the criteria. Mr. Lazar confirmed that she brought the items because the Advisory Committee had asked her to.

Commissioner Calloway asked Mr. Clark why he hadn't taken any photos. Mr. Clark stated he wasn't at the informational meeting and just heard that the Advisory Committee called the artists into the meeting because they had been in violation. Mr. Clark stated that he didn't see these street artists selling not approved items. His complaint was based on the Advisory Committee citing her on the street.

Mr. Tad Sky stated he was at the meeting and that he believes that the artists were asked to bring in their work and were told by the Advisory Committee what was approved and what was not approved. Some artists, Mr. Sky stated, didn't bring their artwork in for what was being cited but it was mostly work that was on their display at the time of the meeting.

Mr. Lazar confirmed that the complaint was received July 19, 2011 from Mr. Clark stating that after he listened to the audio recording, he said he heard the Advisory Committee say these artists were in violation and that the Arts Commission should penalize them since they committed a serious violation. Interim Director of Cultural Affairs Beltran asked if Mr. Clark had seen Ms. Ma sell illegal items. Mr. Clark said no.

Mr. Clark reiterated that his complaint was based on the Advisory Committee's observations found on the street. At the informational meeting, the Advisory Committee testified that they saw the artists with items that they didn't make or weren't approved. Mr. Clark stated that these types of violations require a two (2) month suspension.

Mr. Robert Clark stated that he has made many complaints against individuals before. He resented the term "informational" meeting. He stated he believes the meeting was to explain to the artists that they were found in violation and it was explained what they could sell and what they couldn't sell. Furthermore, on the audio recording, he stated, there are interpreters for the artists and that they understood what was said at the meeting.

Mr. John Tunui, Market Manager at Justin Herman Plaza, stated he believed that there was a good faith effort to bring artists in to make sure they understood the rules. He reminded the Commissioners that there could only be a case against them if they violated after the meeting.

Mr. Lazar confirmed that he and the three Advisory Committee members were present at the informational meeting. Mr. Lazar reported that the result of the meeting was that the Advisory Committee was satisfied that the artists

understood what was allowed or not allowed to sell and there was no further warning or citation issued.

Ms. Maria Hillius stated that the artists and staff need to trust in the Advisory Committee about the artists' complaints. It is their job to monitor, she stated, so the staff can take action.

Commissioner Calloway stated he understood that the informational meeting was used as a "default warning".

Commissioner Chew added it was a good faith effort and that Ms. Ma has complied with the rules since the meeting. Commissioner Calloway showed Ms. Ma the 'not approved' items from the minutes and asked if she had sold any such items. She stated she had not.

Commissioner Melania pointed out that she thinks Ms. Ma shouldn't get a suspension because she hadn't violated after the informational meeting.

Commissioner Melania motioned to dismiss the charge against Ms. Ma with an official warning stating that if she is found in the future selling illegal items, Ms. Ma's license will be suspended; Commissioner Chuang seconded.

The motion passed unanimously.

Zhenhui Feng – Certificate #7911: Hearing was continued to the next Street Artists Committee meeting.

Xiu Shi – Certificate #7548: Ms. Shi was called before the Commissioners with her brother Bill Shi acting as her translator. In addition, the Street Artists Program provided her with a professional interpreter, Amanda Chen. Mr. Lazar presented her checklist on April 19, 2011 which stated that Ms. Shi was caught selling "commercial pendant earrings with no embellishments" along with photos from the June 16, 2011 informational meeting of her displayed items. Based on the checklist, Mr. Lazar stated, Ms. Shi was notified to come to the informational meeting on June 16, 2011 which she attended. Mr. Shi confirmed he attended as well. In the minutes of the June 16, 2011, the Advisory Committee stated "artist will refrain from displaying commercial pendant earrings having little or no artist's work" which means that she has to use bigger beads or additional beads with the pendant so it isn't a focal point for an earring or necklace. Also, the Advisory Committee noted Ms. Shi was "approved as noted in the text".

Mr. William Clark pointed out that Advisory Committee member Susan Tibbon wrote the violation and she noted that over 25 pairs were illegal plus the artist was found selling illegal items two previous times. Mr. Clark reminded the Commissioners that according to the "Bluebook" rules, displaying items not of artist's own creation, items not within criteria and not certified by Arts Commission means it's a serious violation since they "significantly threaten the integrity of the Arts Commission". He read from the "Bluebook" that the standard penalty "shall" be a two-month suspension.

Mr. Bill Shi denied what Mr. Clark said and stated there is no picture proof accompanying the checklist. Mr. Shi stated that some customers ask for special orders which involve fewer beads and that, he said, could constitute a violation. He stated that she would not put such minimal items on her display and hasn't since the informational meeting. He stated that Ms. Shi understood the criteria after the informational meeting.

Mr. Lazar stated that Ms. Shi was only sent the notice to attend the informational meeting. He stated that there are no

previous warnings in her file although the Advisory Committee gave her a copy of the checklist.

Commissioner Melania wanted to clarify the role of the checklist. A warning, said Mr. Lazar, would come from the staff and would state what the artist did wrong; there would be attached the checklist or photographs. Ms. Shi did confirm (through Mr. Shi) that she received a checklist.

Mr. Robert Clark stated that the "Bluebook" states that "this type of infraction doesn't require a warning". According to the recording of the informational meeting, the Advisory Committee members said that Ms. Shi had over 25 illegal items on her table. Mr. Clark stated that a serious violation like that of Ms. Shi's should automatically be given a suspension for two (2) months.

Mr. Shi stated that the inspectors have their own standard of how to inspect.

Commissioner Calloway agreed that Ms. Shi's case sounded similar to Ms. Ma's case. Commissioner Chuang agreed.

Commissioner Melania motioned to dismiss the alleged case against Ms. Shi with an official warning stating that if she is found in the future selling illegal items, Ms. Shi's license will be suspended.

Commissioner Melania asked Ms. Shi, through the interpreter, Amanda Chen, if she understood what she is allowed to sell and that she will continue to sell what she was approved for by the Advisory Committee. Ms. Shi agreed.

Mr. Lazar reminded Ms. Shi that if she has any questions regarding criteria, she can ask the Advisory Committee or Mr. Lazar himself. Commissioner Chew reminded Ms. Shi that this is serious matter and she could be penalized.

Interim Director of Cultural Affairs Beltran had the interpreter, Ms. Chen, explain to Ms. Shi that if she sells items not approved by the Advisory Committee, her license will be suspended.

Commissioner Melania motioned to dismiss the alleged case against Ms. Shi with an official warning stating that if she is found in the future selling illegal items, Ms. Shi's license will be suspended; Commissioner Calloway seconded the motion.

The motion is unanimously approved.

Wan Ling Li – Certificate #6084: Mr. Lazar stated that Ms. Li was not present but the Arts Commission's procedures allow the Street Artists Committee to move forward with a hearing even if the defendant isn't present. Mr. Lazar stated that Ms. Li received two previous warnings: July 14, 2010 for which she had sold pendants on cords, and May 18, 2011 for which she sold pendant earrings lacking any adornment. Mr. Lazar stated she didn't attend the informational meeting or today's hearing even though she was sent a letter informing her that staff wouldn't renew her license. Mr. Lazar presented a photo taken by the Advisory Committee pointing out specific commercially manufactured pieces. He said that an Advisory Committee member went to the gift center and took photos of similar items being sold. Mr. Lazar believed there is evidence for this case and that Ms. Li has not made a good faith effort to remedy her violations. Mr. Lazar asked to make a motion to find her in violation for selling items she did not create as well as a motion for imposing a two-month suspension.

Commissioner Calloway asked if Ms. Li notified the Street Artists Program that she would not be attending either the

hearing or informational meeting. Mr. Lazar said she had not. Mr. Lazar confirmed that the Street Artists Program sent Ms. Li hard copy letters and that their envelopes had not returned as "return to sender".

Mr. Lazar reconfirmed for Commissioner Chew that Ms. Li was in violation and he had submitted photographic evidence of Ms. Li's violations.

Commissioner Melania agreed that Ms. Li has had consistent violations and that she didn't try to rectify her actions.

Commissioner Calloway stated that the case is similar to that of other artists but he was wary to give this artist a harsher punishment even though her case was more egregious.

Commissioner Melania reminded Commissioner Calloway of Ms. Li's previous two violations and that she didn't respond to the informational meeting or hearing.

Mr. Lazar confirmed that the letter to Ms. Li said that the Commissioners were able to proceed with her hearing if she did not attend. From Commissioner Chew's question, Mr. Lazar stated that Ms. Li's certificate is valid until May 3, 2012.

Commissioner Chew asked for public comment.

Mr. William Clark reminded the Commissioners that the Advisory Committee had found Ms. Li in violation and that she was given two previous warnings even though the "Bluebook" rules require this type of violation to go directly to a hearing with the Commissioners. He stated that at this hearing, it would be the Commissioner's jobs to decide on a penalty. Since Ms. Li was given previous warnings, Mr. Clark stated, he thinks that a two month suspension would be inappropriate [insufficient].

Mr. John Tunui, Justin Herman Plaza Market Manager, announced that street artists themselves had talked to Ms. Li about the meeting, so she was informed about it.

Mr. Tad Sky stated that Ms. Li, more than any other violator at Justin Herman Plaza, sells the most illegal items. Many artists have made personal complaints about her and other artists have asked the Advisory Committee members to check her display many times.

Commissioner Chew motioned that Ms. Li be found in violation for displaying items not of the artist's own creation; and that Ms. Li's certificate be suspended for two (2) months; Commissioner Melania seconded the motion.

The motion was passed with Commission Calloway abstaining from the vote.

Li Li Zhang – Certificate #8129: The Street Artists Program provided interpreter Amanda Chen for Ms. Zhang. Mr. Lazar reported that Ms. Zhang received the Advisory Committee's checklist on May 18, 2011. Ms. Zhang, Mr. Lazar reported, was requested to attend the June 16, 2011 meeting which she attended. Mr. Lazar submitted photos from the June 16, 2011 meeting which showed items of hers that were approved and not approved. Mr. Lazar explained that the beads acting as pendants she was using still remained to be a dominant, focal point. Mr. Lazar read a portion of the June 16, 2011 minutes referring to Ms. Zhang which stated, "artist may not display single element bead

necklaces or earrings particular those items bearing commercial colored dyes, superimposed designs and a few tiny beads". Mr. Lazar reported that at the June 16, 2011 meeting, Ms. Zhang was showed what she could and could not sell.

Commissioner Calloway confirmed that Ms. Zhang's case is similar to those of the previous artists who received the complaint after receiving a warning and attending the informational meeting. Mr. Lazar reported that he has no record of her not complying after the informational meeting; and that the Advisory Committee confirmed that none of the artists besides Ms. Wan Ling Li has been in violation since the meeting.

Commissioner Calloway asked Ms. Zhang if she knows what she is approved to sell and not sell having attended from the informational meeting. Ms. Zhang stated she did. Commissioner Calloway asked Ms. Zhang if she had sold unapproved items on any day after the informational meeting. Ms. Zhang responded that the last time she sold was in August and did not sell unapproved items on that day.

Commissioner Melania reminded Ms. Zhang that she must only sell what's been approved by the Advisory Committee and that if she has a question about her item, she must present it to the Committee before selling it. Ms. Zhang agreed.

Ms. Zhang explained that every time she purchases individual components, the seller tells her they are beads, not pendants. Commissioner Melania reminded Ms. Zhang that her question must asked to the Advisory Committee or Mr. Lazar since Commissioners are only establishing if an artist is following the rules of the Street Artists Program.

Mr. William Clark stated that according to the recording of the informational meeting, the Advisory Committee had found Ms. Zhang in violation once before. Her violation, he said, was for selling commercial earrings with not enough embellishment and that this type of violation should constitute a two-month suspension since it is a serious violation. He stated that some artists have been given warnings before for serious violations which should have gone directly to the Commissioner's committee. Mr. Clark complained about a lack of enforcement as artists continue to sell illegal items. He stated that these types of violations threaten integrity of the program and the credibility of other artists. He requested in the future that Advisory Committee and staff send these types of violations for hearings to make sure this doesn't happen in the future.

Ms. Debra King, street artist, stated that Mr. Clark was incorrect in stating that these artists in question had been found in violation after the informational meeting. She said that these artists have been in compliance since the meeting.

Mr. Clark stated that he did not say that.

Mr. Danny Zhang, Li Li Zhang's husband, reported that Ms. Zhang corrected what she did wrong and only sold on August 31, 2011. He stated that she couldn't have received a complaint in July if she wasn't selling.

Mr. Robert Clark disputed what Ms. King said about Mr. William's Clark statement. He asked Mr. Tad Sky if he was present at the informational meeting and if he stated that Ms. Zhang's husband is a wholesaler which Mr. Tad Sky confirmed both. Mr. Clark stated that a major problem for the program is that wholesalers enter the program to sell their merchandise. Mr. Clark accused Ms. Zhang of being a salesperson for her husband.

Commissioner Melania stated that there is no evidence that Ms. Zhang was found in violation and that she's been

found in compliance.

Mr. Clark interrupted Commissioner Melania and Commissioner Chew while they were making conclusions about Ms. Zhang's case and while they were trying to make a motion. Mr. Clark continued talking.

Commissioner Chew stated that Mr. William Clark is out of order. Interim Director of Cultural Affairs Beltran stated he already used his three minutes of public speaking. Commissioner Chew asked Mr. Clark to leave the building. Mr. Clark was escorted out of the room by a police officer attending the meeting.

Commissioner Melania motioned that Ms. Li Li Zhang be not found in violation and the charge against Li Li Zhang be dismissed with an official warning stating that if she is found in the future selling illegal items, Ms. Zhang's license will be suspended. Commissioner Calloway seconded.

The motion was unanimously approved.

Sak Yee – Certificate #8397: The Street Artists Program provided interpreter, Amanda Chen for Mr. Yee. Mr. Lazar reported that no warnings have been given to Mr. Yee. On May 8, Mr. Yee received a checklist from the Advisory Committee for questionable earrings. According to the minutes of the June 16, 2011 meeting, he attended the meeting and he was approved for "multi-element, hand wrought wire earrings, necklaces, bracelets." Mr. Lazar presented the photos of Mr. Yee's items show at the June 16, 2011 meeting which did not show any products that were not approved. The May 8, 2011 photos of his street display that Mr. Lazar presented to the Commissioners show only one pendant on an ear wire which is why Mr. Yee was asked to come to the informational meeting.

From Commissioner Calloway's questions, Mr. Yee confirmed he had not sold any illegal items since the June 16, 2011 meeting, and that he understood the reason why he was called to the meeting.

Mr. Yee explained that he made the pair of single pendant earrings for his daughter and that she had mistakenly put the earrings on his display. Mr. Yee stated he explained this to the Advisory Committee but he said they didn't believe him. He said he keeps a news article with him because it talks about street artists who are in the program that make their work as well as illegal vendors who are trying to sell items they do not make.

Commissioner Chew asked for public comment.

Ms. Edelweiss Yee, Mr. Yee's daughter, explained that the earrings in the photos belonged to her. She added that if her father had been intentionally trying to sell manufactured products, his whole table would have been covered with these items and not just the two pieces.

Mr. Robert Clark reminded the Commissioners that the Advisory Committee had found Mr. Yee in violation since it is their job to keep illegal things out of the program. The Street Artists Program spent $500 to bring these artists into a meeting to explain to them that what they're selling is not approved. He stated that there was already a system in place where serious violations get automatic two-month suspensions. He stated that he was entering the Advisory Committee's testimony and hearing as evidence against these artists.

Mr. Yee asked that the artists try to be nice to each other and talk to each other to fix the problem.

Mr. Ralph Anderson stated he is a fellow street artist and Mr. Yee's best friend. He stated that Mr. Yee's display contains 200 pairs of earrings and the Advisory Committee only found one to two pairs that didn't conform. Mr. Anderson said he believes that Mr. Yee has every desire to conform to the rules.

Ms. Maria Hillius commented on Mr. Yee's statement. She stated she believed that artists' wares should be checked multiple times which is why, she said, the Advisory Committee monitors to see if artists comply. She stated that it takes many times for artists to understand what they're doing is wrong.

Commissioner Chew motioned to dismiss the charge; Commissioner Melania seconded the motion.

The motion was unanimously approved.

Commissioner Calloway requested that there be a discussion about the hearing process in the "Bluebook" since he based his actions on the fact that the hearing acted as a defacto dismissal.

3. *Discussion*. **New Business/Public Comment.**

Mr. Tad Sky stated that he felt Mr. Lazar's intention to bring these violators to the informational meeting was good, but that they were in fact in violation. Mr. Sky stated that the meeting had good intention but that it was probably a bad idea because it confused the artists with the violation process. Mr. Sky asked to see more Advisory Committee monitoring on the street since there is a multiplier effect when there are illegal items.

Mr. Robert Clark commended those people for trying to save the Beach Street spaces. He wanted to announce that William Clark was the author of Proposition J which helped obtain the Beach Street spaces for the past 36 years.

Ms. Mabel Ma asked what she is supposed to do when a customer has a special request for jewelry. Mr. Lazar suggested that she should make the deal at her home and not from her street artist display.

Commissioner Chew adjourned the meeting at 4:57 p.m.
Respectfully submitted:

Alyssa Licouris, Street Artists Program Assistant

Minutes approved:

Howard Lazar, Street Artists Program Director
10/13/11

SAN FRANCISCO ARTS COMMISSION
STREET ARTISTS COMMITTEE

11-03-11A10:37 RCVD

Wednesday, November 9, 2011
3:00 p.m.
25 Van Ness Avenue, Suite 70

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Agenda

1. **Roll Call**

2. *Discussion.* **Street Artists Program Director's Report.**
Current administrative, budgetary and programming developments, announcements, and initiatives

70.7
1
/9/11

3. *Action.* **Hearing and possible motion to approve Program Director's recommendations of denial of certificate or renewal of the following certificate-holders for allegedly selling items of commercially manufactured pendants and bead craft jewelry, constituting the following alleged violations: (1) Displaying items not in accord with Arts Commission criteria; (2) Displaying items not of the artist's own creation; and (3) Displaying items not certified by the Arts Commission:**

Chia Ying Fong – Certificate #3616 *(hearing rescheduled from 9/14/11)*

Zhenhui Feng – Certificate #7911 *(hearing rescheduled from 9/14/11)*

4. *Action.* **Hearing and possible motion to approve Program Director's recommendation of denial of certificate or renewal of the following certificate-holder for allegedly selling commercially manufactured metal and glass pipes, constituting the following alleged violation: Displaying items not of the artist's own creation:**

Juan Manuel Alvarez (formerly, Juan Couselo-Alvarez) – Certificate #7844

5. *Action.* **Hearing and possible motion to approve Program Director's recommendation of denial of certificate or renewal of the following certificate-holder for allegedly (1) selling commercially manufactured pendants, earrings, and hand beaded woven bracelets, and (2) Not displaying Certificate prominently, constituting the following alleged**

SAN FRANCISCO ARTS COMMISSION
STREET ARTISTS COMMITTEE

Wednesday, November 9, 2011
3:00 p.m.
25 Van Ness Avenue, Suite 70

Notice of Cancellation of Meeting

The regular meeting of the San Francisco Arts Commission Street Artists Program Committee scheduled for Wednesday, November 9, 2011, has been cancelled.

70.7
1
1/9/11
cancelled

Notices
Explanatory documents are available for public inspection and copying at the Arts Commission office, 25 Van Ness Avenue, Suite 450, San Francisco, CA 94102 during regular business hours. Tel: INFO: (Howard Lazar 415-252-2583).

Public comment in regard to specific items will be taken before or during consideration of the item.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (San Francisco Campaign and Governmental Conduct Code Sections 2.100 – 2.160) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 25 Van Ness, Suite 220, San Francisco, CA 94102, telephone (415) 252-3100, fax (415) 252-3112 and **web site** (www.sfgov.org/ethics)

To obtain a disability-related modification or accommodation, including auxiliary aids or services, to participate in the meeting, please contact Program Director Howard Lazar at (415) 252-2583 at least 48 hours before the meeting, except for Monday meetings, for which the deadline is 4:00 p.m. the previous Friday.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity, or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City accommodate these individuals.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, contact Frank Darby by mail to Administrator, Sunshine Ordinance Task Force, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by email at sotf@sfgov.org .

Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, **http://www.sfgov.org/sunshine/**

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SAN FRANCISCO ARTS COMMISSION
STREET ARTISTS COMMITTEE

11-28-11A09:07 RCVD

Wednesday, November 30, 2011
1:30 p.m.
25 Van Ness Avenue, Suite 70

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Agenda

1. **Roll Call**

2. *Discussion.* **Street Artists Program Director's Report.**
   Current administrative, budgetary and programming developments, announcements, and initiatives

3. *Action.* **Hearing and possible motion to approve Program Director's recommendations of denial of certificate or renewal of the following certificate-holders for allegedly selling items of commercially manufactured pendants and bead craft jewelry, constituting the following alleged violations: (1) Displaying items not in accord with Arts Commission criteria; (2) Displaying items not of the artist's own creation; and (3) Displaying items not certified by the Arts Commission:**

   Chia Ying Fong – Certificate #3616 *(hearing rescheduled from 9/14/11)*

   Zhenhui Feng – Certificate #7911 *(hearing rescheduled from 9/14/11)*

4. *Action.* **Hearing and possible motion to approve Program Director's recommendation of denial of certificate or renewal of the following certificate-holder for allegedly selling commercially manufactured metal and glass pipes, constituting the following alleged violation: Displaying items not of the artist's own creation:**

   Juan Manuel Alvarez (formerly, Juan Couselo-Alvarez) – Certificate #7844

5. *Action.* **Hearing and possible motion to approve Program Director's recommendation of denial of certificate or renewal of the following certificate-holder for allegedly (1) selling commercially manufactured pendants, earrings, and hand beaded woven bracelets, and (2) Not displaying Certificate prominently, constituting the following alleged**

violations: (1) Displaying items not of the artist's own creation; and (2) Failing to display Certificate prominently:

Dong Ling Song – Certificate #8419

6. *Action.* **Hearing and possible motion to approve Program Director's recommendation of denial of certificate or renewal of the following certificate-holder for allegedly selling items during period of Certificate expiration, constituting the following alleged violation: Displaying items without a valid Certificate (Sec. 7(a) of Proposition "L" of November, 1975):**

   James Toolate – Certificate #3078

7. *Action.* **Hearing and possible motion to approve recommendation by Lottery Committee to amend the Noon I Lottery for previously assigned spaces whereby any held number from a previous lottery would not be valid for use in the Noon I Lottery.**

8. *Discussion.* **Public Comment.**
   (This item is to allow members of the public to comment generally on matters within the Committee's purview as well as to suggest new agenda items for the Committee's consideration.)

9. *Discussion.* **Old Business**
   (This item is to allow Commissioners to update previous agenda items.)

10. *Discussion.* **New Business**
    (This item is to allow Commissioners to introduce new agenda items for consideration.)

11. *Action.* **Adjournment**

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STREET ARTISTS COMMITTEE

Wednesday, November 30, 2011
1:30 p.m.
25 Van Ness Avenue, Suite 70

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Minutes

Commissioner Chew called the meeting to order at 1:32 p.m.

1. **Roll Call**
   Commissioners Present: Greg Chew, Chair; John Calloway; Amy Chuang; Sherene Melania
   Commissioners Absent: Jessica Silverman

   Staff present: Street Artists Program Director Howard Lazar, Street Artists Program Assistant Alyssa Licouris

Commissioner Chew stated that he encouraged the Commissioners to purchase from the street artists.

2. *Discussion.* **Street Artists Program Director's Report:**

Program Director Lazar reported on the following:

F-Line Boarding Platform: The Program Director, Program Assistant, and street artists attended two Citizens Advisory Municipal Transportation Agency (MTA) meetings and one full Municipal Transportation Agency (MTA) meeting and spoke in opposition to MTA's proposed boarding platform for the F-line on Beach Street between Hyde and Larkin Street. A meeting with the Director of MTA has been scheduled.

Occupy SF: the Street Artists Program office has received complaint letters from street artists relating to problems arising from the Occupy SF encampment such as health issues and a decline of business and has forwarded the letters to the Mayor's office with a request to remedy the situation.

Hallidie Plaza Renovation: Union Square Business Improvement District (BID) approached the Street Artists Program to help in designing uniform street artist displays for the Hallidie Plaza area as part of the upgrade to make it a premium destination. All street artists wishing to sell at Hallidie Plaza would be required to use these displays since the BID would become the landlord of Hallidie Plaza and would have the authority to issue its requirement for Plaza usage. The Program Director, Program Assistant and two street artists met with the BID staff and a pro bono architect who brought a model of the display. There is an upcoming meeting scheduled to pick a color scheme for the displays. This project is scheduled to take many months to complete since BID is still looking for funding.

Land Use Committee: The Program Director presented proposals for resolutions on Sept 19 and October 17 to the Land Use Committee of the Board of Supervisors regarding designation of two new temporary selling spaces on Post Street to replace the temporary loss of Geary Street spaces due to the Central Subway construction and re-designation of 22 spaces on Grant Avenue, between O'Farrell and Sutter streets, exempting the spaces from a yellow zone. The full Board adopted these proposals.

Central Subway Construction: Downtown construction relating to the Central Subway system will cease between November 23 and January 2 thus allowing street artists to use their winter holiday and permanent spaces.

Mobile Food Facilities: The Street Artists Program office receives notifications from DPW for applications of mobile food facilities. The Street Artists Program has deterred three such applications from three areas of street artists spaces. The program staff and street artists attended a meeting in Supervisor Weiner's office with mobile vendors and store owners regarding the proliferation of mobile food vendors especially in the Downtown area.

***SF Gate* Article (September 15):** "Street Artists Fight to Sell Their Wares At Prime Location" article by Stephanie Lee.

3. *Action.* **Hearing and possible motion to approve Program Director's recommendations of denial of certificate or renewal of the following certificate-holders for allegedly selling items of commercially manufactured pendants and bead craft jewelry, constituting the following alleged violations: (1) Displaying items not in accord with Arts Commission criteria; (2) Displaying items not of the artist's own creation; and (3) Displaying items not certified by the Arts Commission:**

   Chia Ying Fong – Certificate #3616 *(hearing rescheduled from 9/14/11)*

   Zhenhui Feng – Certificate #7911 *(hearing rescheduled from 9/14/11)*

Program Director Howard Lazar read from a prepared statement which, he said, was reviewed by the City Attorney.

The statement clarified some key features of the proceeding. Any member of the public, whether or not a street artist, has the right to file a complaint with the City's Street Artists Program alleging a violation of the Street Artists Ordinance. But the right to file a complaint must not be confused with the authority to prosecute or adjudicate a disciplinary proceeding.

Mr. Lazar went on to state that the Street Artists Program regulations require the Street Artists Program Director to investigate all complaints. Upon determining that a complaint is well-founded, the Director files charges on behalf of the City against the offending artist(s) by scheduling a hearing before the Program Committee and giving notice to the affected street artists. During the hearing, the Program Director serves as the prosecutor and the Program Committee serves as the adjudicatory body. The accused street artist is the respondent. Individuals filing complaints that give rise to a specific disciplinary proceeding have no standing in that proceeding, they are not parties to that proceeding, and they may not cross examine witnesses at that proceeding.

Mr. Lazar clarified the right of public comment. Because a hearing is held as a public meeting of a policy body subject to the Brown Act and the Sunshine Ordinance, members of the public, including street artists and those filing complaints against street artists, may make public comment before or during each agenda item, including an item that involves charges against street artists and the Program Committee's adjudication of those charges. But members of the public, including those members of the public filing complaints that gave rise to the disciplinary charges against a street artist, do not have standing in the proceeding, they are not parties to the proceeding, they do not serve in the role of prosecution or defense, they may not call witnesses, and they may not dictate the questions that the Program Director or the accused artist may propound to witnesses. In addition, the Program Committee may not consider information that members of the public provide in public comment as evidence on which the Committee may rely to take a decision. Should the Program Committee conclude, after hearing the entire case, that public comment raises issues that the Program Committee wants the parties to address, the Committee could continue the matter and ask the Director and the accused artist to address the issues with the requisite evidence and argument.

Mr. Lazar concluded that he hoped this information was helpful as the Commissioners conducted the hearings.

The Commissioners requested a copy of the statement presented by Mr. Lazar.

Commissioner Chew announced that a Chinese interpreter obtained by the Street Artists Program, Mr. Fong, was present for the hearing.

Mr. Lazar stated that Street Artist Juan Manuel Alvarez, whose hearing was scheduled for today, asked for a continuation of his hearing to January, and therefore the scheduled Spanish interpreter obtained by the Program was cancelled.

Mr. Lazar read the action item and announced that both artists, Ms. Fong and Ms. Feng, were present.

Commissioner Chew called for public comment for Ms. Chia Ying Fong. There was none.

Commissioner Chew called for public comment for Ms. Zhenhui Feng. There was none.

Mr. Lazar clarified that the Program Committee held an earlier public hearing in September (Sept. 14) on charges against four other artists facing charges exactly the same as those the City presented in this proceeding. At that hearing, the Program Committee determined that the accused artists were laboring under a misunderstanding of the meaning of the Program rules and used the hearing to clear up the misunderstanding. The Program Committee decided to dismiss those charges after the accused artists acknowledged that they understood that their actions were inconsistent with the requirements of the Program and indicated that they intended to act in accordance with the Program rules in the future. Now that the Program Committee had facilitated a better understanding of the Program rules, and since that earlier public hearing, Mr. Lazar and the screening committee observed that those four artists and the two artists subject to today's proceeding have diligently complied with the program rules. Accordingly, in the interests of the Program, the artists, and the public, Mr. Lazar requested that the Commission dismiss these charges consistent with the action it took dismissing charges against the four other artists accused of committing similar violations.

Mr. Lazar stated that the Program Committee facilitated a better understanding of the rules for the four other artists as did the screening committee last June (June 16) with all six artists. Evidence shows, Mr. Lazar stated, that there has been compliance.

Commissioner Melania motioned to dismiss the charge against Ms. Fong and to renew Ms. Fong's certificate. Commissioner Chuang seconded.

Commissioner Chew asked for public comment.

Mr. Rob Williams, attorney for Ms. Fong and Ms. Feng, asked for clarification regarding what the circumstances will be in the future if his clients aren't in compliance. He wanted to clarify that further citations wouldn't immediately prompt a suspension of license if they have items in the future that need clarification.

Mr. Lazar responded that if the screening committee finds a questionable item, the artists will be asked to have it screened but the artists will be asked to not sell the item until it's been screened and verified. For example, Mr. Lazar said, it could be a product in the beadcraft category which looks radically different than the artist's previous expression.

Mr. Williams responded that the process described by Mr. Lazar is what the artists had in mind.

The motion was unanimously approved.

Commissioner Melania motioned to dismiss the charge against Ms. Feng and to renew Ms. Feng's certificate; Commissioner Calloway seconded.

There was no public comment.

The motion was unanimously approved.

5. *Action.* **Hearing and possible motion to approve Program Director's recommendation of denial of certificate or renewal of the following certificate-holder for allegedly (1) Selling commercially manufactured pendants, earrings, and hand beaded woven bracelets, and (2) Not displaying Certificate prominently, constituting the following alleged violations: (1) Displaying items not of the artist's own creation; and (2) Failing to display Certificate prominently:**

Dong Ling Song – Certificate #8419

Mr. Lazar announced that Ms. Dong Ling Song was present and asked Mr. Fong to interpret for her.

Mr. Lazar presented the case against Ms. Song. He stated there were three observations/reports from the Advisory Committee regarding Ms. Song. On June 14, 2011 the Advisory Committee issued to Ms. Song a checklist on the items that she was selling which included "commercial store bought pendants, commercial leather with stud bracelets, small commercial earrings, god's eye string earrings, metal with bead bracelets, commercial metal faux, enamel butterfly earrings". Mr. Lazar presented photos taken by the Advisory Committee of the June 14 monitoring to the Commissioners. Ms. Song was invited to a rescreening on June 30, 2011 where she was told by the Advisory Committee what she could and couldn't sell. On July 20, Ms. Song received another checklist from the Advisory Committee showing similar items that were clearly commercially manufactured. Advisory Committee Members expressed on the checklist that Ms. Song's license should be revoked. Mr. Lazar showed photos taken on July 20.

Advisory Committee Member Josie Grant, who was monitoring with Advisory Committee Member Susan Tibbon on July 20, was present. Ms. Grant stated that Ms. Song's display was the most egregious she'd seen. When Ms. Song was rescreened, Ms. Grant said, Ms. Song brought a few bags of product that didn't match her finished pieces and she was told that she couldn't sell manufactured items to which she agreed. The next monitoring visit, stated Ms. Grant, Ms. Song's stand still had manufactured items although they were different. Ms. Grant stated that Ms. Song understood and claimed that she made her items, but Ms. Grant reiterated that Ms. Song hadn't shown matching beads (beads that would match those in the finished items she was selling) or an ability to make her items.

Commissioner Calloway asked for details of the Advisory Committee's observations. Ms. Grant described the first monitoring visit at Ms. Song's stand at Powell Street (on June 14). According to Ms. Grant, Ms. Song was told that her items were illegal and that she needed to be rescreened. Ms. Grant reported that Ms. Song attended the screening without an interpreter and showed up at the last minute. Ms. Grant explained that Ms. Song was scheduled for the next screening, (June 30), but she couldn't show the Advisory Committee that she could make her items. Ms. Grant reported that, at the second monitoring visit (July 20), they saw again a proliferation of commercial pieces on Ms. Dong's display.

Commissioner Calloway asked how Ms. Grant knew Ms. Song understood the Advisory Committee's clarification. Ms. Grant explained that Ms. Song spoke to them in English and said she made the items herself. Ms. Grant stated Ms. Song never said she misunderstood and didn't ask for an interpreter.

Mr. Lazar stated that Ms. Grant participated in the June 14 monitoring, and Mr. Lazar again showed the Commissioners the images from that monitoring visit.

Ms. Grant stated that the main concern of the Advisory Committee is to make sure that the street artists are making their items and not purchasing their items since they all look the same.

Commissioner Chew asked Mr. Lazar to clarify the number of warnings received by Ms. Song. Mr. Lazar answered that the June 14 report, June 30 rescreening, and July 20 report were all considered warnings to remedy the problem.

Commissioner Chew asked Mr. Lazar if Ms. Dong had been selling recently. Mr. Lazar explained that Ms. Song's license expired on September 7, 2011.

Commissioner Melania commented that there were three warnings for Ms. Song and that she didn't change what she had been doing, based on the feedback from the Advisory Committee, but noted they should hear from Ms. Song.

Ms. Song admitted that the first time she received the checklist notice she didn't know the rules. The second time, Ms. Dong said, she fixed her display and added different beads and didn't sell illegal items.

Commissioner Melania reminded Ms. Song that the screening meeting counted as a "warning" where she was told what she needed to fix. After the screening, Commissioner Melania reiterated, Ms. Song still did not attempt to fix the problem.

Ms. Song maintained she didn't sell the illegal items.

Mr. Lazar said that she did not change her display because, on July 20, the Advisory Committee found more commercial earrings being sold by Ms. Song. While Ms. Song said she put a different design of items on her display, the Advisory Committee still didn't allow her to sell her items.

Commissioner Melania restated that the first time Ms. Song received a checklist she said she didn't understand. Commissioner Melania continued to explain that Ms. Song was asked to go to a screening meeting where the Advisory Committee showed Ms. Song what to sell and this was her second chance to understand the rules, but after the screening Ms. Song was caught selling illegal items again.

Ms. Song said she did fix her jewelry and that she said that Mr. Lazar told her she needed bigger beads.

Commissioner Chew reminded Ms. Song that she needs to comply with the rules.

Commissioner Melania motioned to find Ms. Song in violation; Commissioner Chuang seconded.

There was no public comment.

The motion was unanimously approved.

Commissioner Melania stated that in order to protect the integrity of the Program and other street artists, all street artists must follow the rules. Commissioner Melania continued that if a street artist is new and doesn't understand the rules, they can read the Program's bluebook, talk to the Program Director or talk to the Advisory Committee. Commissioner Melania reiterated that Ms. Song had been given three chances to understand the rules, but she didn't change her ways, and this cannot be tolerated.

Interpreter Fong said that Ms. Song said the first time she didn't know the rules and, after the second report, she said she stopped and didn't continue to violate.

Advisory Committee Member Josie Grant asked that Ms. Song be required to attend a screening meeting before she is allowed to get her license back in order to watch her make all of her items and again show her what she can and can't sell.

Commissioner Melania motioned to issue or renew the certificate of Dong Ling Song after a two (2) month denial of renewal and that renewal be contingent upon verification by the Advisory Committee that Ms. Song makes her items; Commissioner Calloway seconded.

There was no public comment.

The motion was unanimously approved.

Mr. Lazar requested that Mr. Fong tell Ms. Song that she will receive a letter from the Program office stating the decision.

6. *Action.* **Hearing and possible motion to approve Program Director's recommendation of denial of certificate or renewal of the following certificate-holder for allegedly selling items during period of Certificate expiration, constituting the following alleged violation: Displaying items without a valid Certificate (Sec. 7(a) of Proposition "L" of November, 1975):**

James Toolate – Certificate #3078

Mr. Lazar explained that the street artist Market Managers of Justin Herman Plaza receive a membership list weekly from the Program Assistant that tells them which street artists have valid licenses. A complaint was received from the Market Managers and written by Market Manager Susan Levinson regarding Mr. Toolate entering the lottery with an expired license. Mr. Lazar read Ms. Levinson's statement and presented an accompanying original map of the sign-in sheet for the Commissioners' review. Ms. Levinson's letter stated that she was present on August 20, 2011 when

Mr. Toolate was selling on an expired license in Café space #102. Café spaces, she said, are most coveted and the first to be taken. Ms. Levinson's letter stated that the lottery member didn't check Mr. Toolate's license or the membership list. Ms. Levinson noted on that Sunday that his license was expired and that she further checked to see if he had renewed on Friday, August 19, because it wouldn't have been reflected in the membership list which is published on Thursdays. Mr. Toolate told Ms. Levinson (according to the complaint) that he had renewed by mail; he then called Ms. Levinson "the Gestapo". Ms. Levinson telephoned the Program Assistant on August 30 who said that Mr. Toolate renewed in person on August 25.

Mr. Lazar stated that the evidence showed that Mr. Toolate renewed on August 25 in person and the sign-in map clearly showed that he took space #102 on August 20.

Program Assistant Alyssa Licouris verified that Mr. Toolate came to the office to renew his license in person.

Mr. Toolate apologized for forgetting that his license expired. He stated that the thought it was August 19 when he signed in, which is the day his license expired. Mr. Toolate stated that he went out of town for the rest of the weekend so he wasn't aware that his license expired until he was approached later. Mr. Toolate stated his expired license had been on his display.

Commissioner Melania clarified with Mr. Toolate that he had his expired license with him when he signed in at the lottery and that he stated that the lottery person didn't check the expiration date, so he thought he was okay.

In response to a question by Mr. Lazar, Mr. Toolate stated that he has been in the Street Artists Program since 1985. and that he recycles silverware (as part of his craft).

Commissioner Chew said that Mr. Toolate had shown a good faith effort to come in to the office to renew his license in person.

Mr. Lazar reminded the Commissioners that Mr. Toolate had sold without a license. Mr. Lazar also stated that Justin Herman Plaza spaces are the most coveted spaces especially during the summer which was when this incident occurred. Mr. Lazar stated that usually 140-150 people compete for 70 spaces which include the space Mr. Toolate took on August 20; he urged the Commissioners to consider that.

Mr. Toolate said that on August 20 he shared his space with Anne Dal Pozzo.

Commissioner Melania reconfirmed that Mr. Toolate wasn't aware of his certificate's expiration until he was approached.

Mr. Lazar clarified for Commissioner Melania that the Street Artists Program has never sent out reminders to the artists to renew because it never had the ability to do so or the money for postage. Mr. Lazar reminded the Commissioners that the Arts Commission granted the street artists a 10-day grace period for renewal as a way to accommodate street artists. Mr. Lazar noted that street artists selling at Justin Herman Plaza typically make sure that their licenses are valid. Mr. Lazar reminded Commissioners that the law clearly states that an artist can't sell without a valid certificate.

Commissioner Melania acknowledged that this was an error on Mr. Toolate's part and that he was in violation. Commissioner Melania stated she wanted to honor the fact that he's been in the Street Artists Program for a long time and that he did go to the office to renew his license when he was told it had expired.

Commissioner Melania motioned to find Mr. Toolate in violation of selling with an expired license; Commission Chew seconded.

There was no public comment.

The motion was unanimously approved.

Commissioner Melania stated that the incident seemed to be human error since both Mr. Toolate and the lottery committee member overlooked the certificate's expiration.

Mr. Lazar responded to Commissioner Calloway's question asking if Mr. Toolate had any previous violations. Mr. Lazar stated that Mr. Toolate had no violation in recent years and none related to this type of issue.

Commissioner Melania motioned to suspend the penalty with a warning against selling without a valid license; Commissioner Calloway seconded.

There was no public comment.

The motion was unanimously approved.

7. *Action.* **Hearing and possible motion to approve recommendation by Lottery Committee to amend the Noon I Lottery for previously assigned spaces whereby any held number from a previous lottery would not be valid for use in the Noon I Lottery.**

   Director Lazar and Program Assistant Licouris met with members of the official Lottery Committee who assign spaces through the Fisherman's Wharf and Downtown lotteries. Mr. Lazar explained that a Noon lottery occurs which assigns spaces that were previously assigned in the morning lottery but were relinquished or not occupied. Mr. Lazar has been told by Lottery Committee members that the problem is that a street artist with a held number from a previous lottery would have priority over an artist who had no number in the Noon Lottery. Mr. Lazar stated that Lottery Committee members believe that by eliminating the use of held numbers in the Noon Lottery, it will help to give all street artists the same opportunity in the Noon lottery. Mr. Lazar agreed that it is a fair way to assign spaces and that he has heard many egregious problems from Lottery Committee members.

   Commissioner Melania agreed that it seemed like a logical method.

   Commissioner Melania motioned to approve the recommendation by Lottery Committee to amend the Noon I Lottery for previously assigned spaces whereby any held number from a previous lottery would not be valid for use in the Noon I Lottery; Commissioner Chuang seconded.

   There was no public comment.

   The motion was unanimously approved.

8. *Discussion.* **Public Comment.**

   There was no public comment.

9. *Discussion.* **Old Business**

   There was no old business.

10. *Discussion.* **New Business**

    There was no new business.

11. *Action.* **Adjournment**

    There being no further business, the meeting was adjourned by Commissioner Chew at 2:39 p.m.

SAN FRANCISCO ARTS COMMISSION
STREET ARTISTS COMMITTEE

01-05-12P03:25 RCVD

Wednesday, January 11, 2012
3:00 p.m.
25 Van Ness Avenue, Suite 70

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Agenda

1. **Roll Call**

2. *Discussion.* **Street Artists Program Director's Report.**
   Current administrative, budgetary and programming developments, announcements, and initiatives

70.7
1
1/11/12

3. *Action.* **Hearing and possible motion to approve Program Director's recommendation of denial of certificate or renewal of the following certificate-holder for allegedly selling commercially manufactured metal and glass pipes, constituting the following alleged violation: Displaying items not of the artist's own creation:**

   Juan Manuel Alvarez (formerly, Juan Couselo-Alvarez) – Certificate #7844

4. *Action.* **Hearing and possible motion to approve proposal by Lottery Committee to re-number spaces on Hyde Street:**
   It is proposed that J4 which is on the west side of Hyde and the most northern space will turn into H1. The spaces will continue numerically until the space numbered H21 presently will be re-numbered as H13. On the eastern side of the street, H1 presently will become H14 and continue until H23 presently will be re-numbered as H29.

5. *Discussion.* **Public Comment.**
   (This item is to allow members of the public to comment generally on matters within the Committee's purview as well as to suggest new agenda items for the Committee's consideration.)

6. *Discussion.* **Old Business**
   (This item is to allow Commissioners to update previous agenda items.)

7. *Discussion.* **New Business**

(This item is to allow Commissioners to introduce new agenda items for consideration.)

8. *Action.* **Adjournment.**

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SAN FRANCISCO ARTS COMMISSION
STREET ARTISTS COMMITTEE

Wednesday, January 11, 2012
3:00 p.m.
25 Van Ness Avenue, Suite 70

Notice of Cancellation of Meeting

The regular meeting of the San Francisco Arts Commission Street Artists Program Committee scheduled for Wednesday, January 11, 2012, has been cancelled.

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SAN FRANCISCO ARTS COMMISSION
STREET ARTISTS COMMITTEE

Wednesday, February 22, 2012
3:00 p.m.
25 Van Ness Avenue, Suite 330A

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Agenda

1. **Roll Call**

2. *Discussion.* **Street Artists Program Director's Report.**
Current administrative, budgetary and programming developments, announcements, and initiatives

70.7
1
/22/12

Explanatory document: SFMTA letter re: F-line boarding platform.

3. *Action.* **Hearing and possible motion to approve Program Director's recommendation of denial of certificate or renewal of the following certificate-holder for allegedly selling commercially manufactured metal and glass pipes, constituting the following alleged violation: Displaying items not of the artist's own creation:**

Juan Manuel Alvarez (formerly, Juan Couselo-Alvarez) – Certificate #7844

Explanatory document: Original Notice of Hearing & Notice of Intent to Recommend Denial of Certificate or Renewal.

4. *Action.* **Hearing and possible motion to approve Program Director's recommendation of denial of certificate or renewal of the following certificate-holder for 1) Violation of Lottery Procedure (Allegedly tampering with another street artist's lottery slip and taking their space); 2) Failing to maintain a pedestrian passageway of eight (8) feet for pedestrians (Ord. 41-83, Section 2405(c)(16)); 3) Conducting business in an improper manner (Overcharging and misleading customers on prices); 4) Exceeding display size regulations:**

Jian Liang Zhao – Certificate #7298

Explanatory document: Original Notice of Hearing & Notice of Intent to Recommend Denial of Certificate or Renewal.

5. *Action.* **Hearing and possible motion to request Board of Supervisors for re-designation of twenty-two (22) street artist spaces on Hyde Street, Jefferson to Beach streets, with**

exemption from regulation of Police Code Section 2405(c)(8)(2) which prohibits selling adjacent to a white zone.

Explanatory document: Annotated Map 4: SF Street Artists Program Selling Area Spaces: Hyde Street.

6. *Action.* **Hearing and possible motion to approve proposal by Lottery Committee to re-number spaces on Hyde Street, Jefferson to Beach streets:**

   It is proposed that, on the west side of Hyde Street, spaces J-4, J-3, J-2, J-1B, J-1A, and J-1 be renumbered as H-1 through H-6, respectively; and that spaces H-15 through H-21 be renumbered as H-7 through H-13 respectively.

   It is proposed that, for the east side of Hyde Street, spaces H-1 through H-14 be renumbered as H-14 through H-27, respectively; and that spaces H-22 and H-23 be renumbered as H-28 and H-29, respectively.

   Explanatory documents: Renumbered Map 4: SF Street Artists Program Selling Area Spaces: Hyde Street; Notes from Lottery Committee meeting of October 25, 2011.

7. *Action.* **Hearing and possible motion to approve plans for celebration of 40th anniversary of Street Artists Program.**

   Explanatory documents: 2012 Special Events Application List of SF Recreation and Park; Excerpt of minutes from May 11, 2011 Street Artists Program Committee meeting; Notes from Ad Hoc Planning Committee of the 40th/80th Anniversary.

8. *Action.* **Hearing and possible motion to authorize Program Director to request Board of Supervisors for temporary designation of six (6) street artist selling spaces on Market Street, north side, at Spear Street.**

   Explanatory documents: Proposed map of existing and proposed "BART" spaces; E-mailed proposal and correspondence with Tad Sky.

9. *Discussion.* **Pub lic Comment.**
   (This item is to allow members of the public to comment generally on matters within the Committee's purview as well as to suggest new agenda items for the Committee's consideration.)

10. *Discussion.* **Old Business**
    (This item is to allow Commissioners to update previous agenda items.)

11. *Discussion.* **New Business**
(This item is to allow Commissioners to introduce new agenda items for consideration.)

12. *Action.* **Adjournment.**

Notices
Explanatory documents are available for public inspection and copying at the Arts Commission office, 25 Van Ness Avenue, Suite 345, San Francisco, CA 94102 during regular business hours. Tel: INFO: (Howard Lazar 415-252-2583).P LEASE NOTE: The Arts Commission often receives documents created or submitted by other City officials, agencies or departments after the posting of the Arts Commission agenda. For such documents or presentations, members of the public may wish to contact the originating agency if they seek documents not yet provided to the Arts Commission.

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SAN FRANCISCO ARTS COMMISSION
STREET ARTISTS COMMITTEE

Wednesday, February 22, 2012
3:00 p.m.
25 Van Ness Avenue, Suite 330A

Agenda

1. **Roll Call**

2. *Discussion.* **Street Artists Program Director's Report.**
Current administrative, budgetary and programming developments, announcements, and initiatives

Explanatory document: SFMTA letter re: F-line boarding platform.

3. *Action.* **Hearing and possible motion to approve Program Director's recommendation of denial of certificate or renewal of the following certificate-holder for allegedly selling commercially manufactured metal and glass pipes, constituting the following alleged violation: Displaying items not of the artist's own creation:**

Juan Manuel Alvarez (formerly, Juan Couselo-Alvarez) – Certificate #7844

Explanatory document: Original Notice of Hearing & Notice of Intent to Recommend Denial of Certificate or Renewal.

4. *Action.* **Hearing and possible motion to approve Program Director's recommendation of denial of certificate or renewal of the following certificate-holder for 1) Violation of Lottery Procedure (Allegedly tampering with another street artist's lottery slip and taking their space); 2) Failing to maintain a pedestrian passageway of eight (8) feet for pedestrians (Ord. 41-83, Section 2405(c)(16)); 3) Conducting business in an improper manner (Overcharging and misleading customers on prices); 4) Exceeding display size regulations:**

Jian Liang Zhao – Certificate #7298

Explanatory document: Original Notice of Hearing & Notice of Intent to Recommend Denial of Certificate or Renewal.

5. *Action.* **Hearing and possible motion to request Board of Supervisors for re-designation of twenty-two (22) street artist spaces on Hyde Street, Jefferson to Beach streets, with**

exemption from regulation of Police Code Section 2405(c)(8)(2) which prohibits selling adjacent to a white zone.

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7. *Action.* **Hearing and possible motion to approve plans for celebration of 40th anniversary of Street Artists Program.**

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8. *Action.* **Hearing and possible motion to authorize Program Director to request Board of Supervisors for temporary designation of six (6) street artist selling spaces on Market Street, north side, at Spear Street.**

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   (This item is to allow members of the public to comment generally on matters within the Committee's purview as well as to suggest new agenda items for the Committee's consideration.)

10. *Discussion.* **Old Business**
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11. *Discussion.* **New Business**
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12. *Action.* **Adjournment.**

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ebruary 22, 2012

SAN FRANCISCO ARTS COMMISSION
STREET ARTISTS COMMITTEE

Wednesday, February 22, 2012
3:00 p.m.
25 Van Ness Avenue, Suite 330A
San Francisco, CA 94102

Draft Minutes

Commissioner Chew, Chair, called the meeting to order at 3:05 p.m.

He introduced new Director of Cultural Affairs Tom DeCaigny.

1. Roll Call
Commissioners Present:
Greg Chew, Chair
John Calloway
Amy Chuang

Commissioners Absent:
Jessica Silverman

Staff present: Director of Cultural Affairs Tom DeCaigny, Street Artists Program Director Howard Lazar, Street Artists Program Assistant Alyssa Licouris

Program Director Lazar recommended that Jian Liang Zhao's hearing be moved up on the agenda as the first item since Mr. Zhao had to leave at 4 p.m. for a hospital medical appointment. Mr. Lazar reported that Mr. Zhao's son had come to the office around noon time and said that they had not received the letters regarding the hearing since they moved. His son presented a DMV card stamped June 11, 2011 with their new address. Mr. Lazar recommended that, out of respect for witnesses in attendance, the Commissioners should hear witness testimony and then decide if the Commissioners want to proceed or, if Mr. Zhao would not be prepared for the hearing, to continue the hearing. Mr. Lazar stated that an interpreter was provided by the Street Artists Program for Mr. Zhao.

Commissioner Chew moved the item up.

4. *Action.* **Hearing and possible motion to approve Program Director's recommendation of denial of certificate or renewal of the following certificate-holder for 1) Violation of Lottery Procedure (Allegedly tampering with another street artist's lottery slip and taking their space); 2) Failing to maintain a pedestrian passageway of eight (8) feet for pedestrians (Ord. 41-83, Section 2405(c)(16)); 3) Conducting business in an improper manner (Overcharging and misleading customers on prices); 4) Exceeding display size regulations:**

Jian Liang Zhao – Certificate #7298

Program Director Howard Lazar presented the case against Mr. Zhao including acknowledging written statements from witnesses as well as names of witnesses who were notified. From the written statements with respect to violation #1, Mr. Lazar pointed out as evidence the picture of the lottery slip. He described the lottery procedure and explained that Mr. Zhao wrote over Manuel Loli's slip and took Mr. Loli's space 13. Mr. Lazar stated that this was a violation of the lottery procedure as well as being unethical. He read an excerpt from the complaint.

With regard to violations #2 and #4, Mr. Lazar reminded the Commissioners of the street artist space regulations. According to witness statements, Mr. Lazar said Mr. Zhao put his chair in the pedestrian walkway and that Mr. Zhao's display was much wider and taller than the required dimensions. Witness statements from November 17 stated that Mr. Zhao's display was oversized, September 28 statements stated that Mr. Zhao's display was oversized and impeding the 8 foot pedestrian walkway rule, and November 16 statements described Mr. Zhao's chair in the middle of the sidewalk impeding the 8 foot pedestrian walkway rule.

With regard to violation #3, Mr. Lazar read aloud a witness statement referring to incidents on October 16 and September 21 where Mr. Zhao overcharged and misled customers on prices of his portraits.

Mr. Lazar reminded Commissioners that on Sept 8, 2010, the Street Artists Program Committee found Mr. Zhao in violation for soliciting business away from other artists, and he received a 30-day suspension of his certificate. Mr. Lazar further stated that Mr. Zhao had a public hearing with Mr. Lazar as hearing officer in 2008 and Mr. Zhao signed a statement agreeing to follow all rules and regulations including the lottery procedures of the Street Artists Program.

Mr. Lazar recommended that, due to Mr. Zhao's history of a suspension and the four types of violations he allegedly committed, renewal of his certificate be denied.

Mr. Lazar was permitted to call for witness testimony.

Mr. Robert Chan said he was called by other street artists at noon time on October 28, 2011 to observe that Mr. Zhao changed the number on the lottery slip to 13. Since Mr. Chan is a lottery committee member, he asked Mr. Zhao to move back to space 12. He added that Mr. Zhao's display is on many occasions oversized, as big as 4 feet by 8 feet. Mr. Chan took the photo of the lottery slip and submitted it with photos he took of Mr. Zhao's oversized display as evidence.

Mr. Lazar told the Commissioners that because Mr. Zhao's display consists of panels, it cuts off the public's view of artists next to Mr. Zhao.

Called as a witness, Mr. Michael Addario stated that he had no vivid recollection of the incident and requested to speak under public comment.

Ms. Catherine Zhang stated that the photograph was good evidence to show that Mr. Zhao broke a rule. When she runs the lottery, she said, she has told Mr. Zhao many times that he's oversized or over the line.

Mr. Lazar explained that "over the line" means that the artists all try to stay behind an imaginary line so that no display sticks out more than the others. Ms. Zhang noted that Mr. Zhao goes over the line frequently.

Ms. Zhang said that many street artists have heard Mr. Zhao say that he doesn't care if he gets punished because he'll take a vacation if he's suspended.

Commissioner Calloway clarified that Ms. Zhang took one of the pictures submitted as evidence but she was also testifying about other times when Mr. Zhao's display was oversized.

Mr. Zhao apologized. He stated he has been under poor health and under stress. He admitted that there were a lot of areas for which he asked the Commissioner's understanding. He explained that he didn't want to be in space 10 because that artist did the same artwork so he wanted space 13 instead since the artist originally in space 12 sells pipes. Mr. Zhao wanted the Commissioners to know that he was diagnosed with prostate cancer.

Mr. Zhao responded to multiple questions by Mr. Lazar relating to his alleged violations. Mr. Zhao admitted to altering the lottery slip. Mr. Zhao stated that the height of his display wasn't an issue.

Commissioner Chew stated that because Mr. Zhao has four alleged violations observed by a number of witnesses, the Commissioner wished to proceed with the hearing.

Commissioner Calloway asked Mr. Lazar how he knew Mr. Zhao didn't receive the letters mailed to him. Mr. Lazar responded that the notices had been sent to the only address on file. Mr. Zhao said a friend had told him about the hearing today. Mr. Lazar clarified that none of the mail sent to Mr. Zhao had been returned. Mr. Zhao said he told the post office of his address change.

Commissioner Calloway clarified that Mr. Chan was in charge of checking the spaces.

Commissioner Chew stated that the Program staff had made many efforts to send Mr. Zhao notification.

Commissioner Chuang agreed that all the evidence showed Mr. Zhao was in violation but there was a question of how long to suspend Mr. Zhao's certificate.

Motion: Motion to find Mr. Zhao in violation of all four alleged violations.
Moved: Calloway/Chuang.

Public Comment:
Mr. Michael Addario read an excerpt from the November 30 minutes of Street Artist Program Committee regarding prosecution regulations. He said Mr. Zhao was deprived of a packet in Chinese of the documents for review by the Commissioners. Mr. Addario stated that Mr. Lazar was under referral to the District Attorney for withholding documents under the Sunshine Ordinance and stated that this impeached Mr. Lazar's credibility as a prosecutor. Mr. Addario stated that it was prejudicial to bring up Mr. Zhao's previous complaint. He continued by stating how the case would not stand up against the Board of Appeals and that Mr. Zhao's case was a waste of time.

The motion was unanimously approved.

Mr. Lazar said that Mr. Zhao's certificate was valid until March 17th.

Mr. Zhao demanded that they give him "an opportunity". He admitted there were acts he didn't do well.

Commissioner Chew stated that Mr. Zhao had not complied with the law.

Commissioner Chuang spoke to Mr. Zhao in Chinese, and the interpreter translated the Commissioner's speech into English.

Mr. Lazar clarified that Mr. Zhao would be expected to renew his license during its suspension, but he could not sell during that time.

Motion: Motion to suspend the certificate of Mr. Zhao for 6 months.
Moved: Calloway/Chuang.

Public Comment:
Catherine Zhang endorsed the suspension.

The motion was unanimously passed.

Mr. Lazar clarified the suspension process for Mr. Zhao, as well as the filing period for a hearing with the Board of Appeals.

3. *Action.* **Hearing and possible motion to approve Program Director's recommendation of denial of certificate or renewal of the following certificate-holder for allegedly selling commercially manufactured metal and glass pipes, constituting the following alleged violation: Displaying items not of the artist's own creation:**

Juan Manuel Alvarez (formerly, Juan Couselo-Alvarez) – Certificate #7844

Program Director Lazar noted there was an interpreter provided by the Street Artists Program for Mr. Alvarez. Mr. Lazar presented the history of Mr. Alvarez's case and stated that on July 20, Mr. Alvarez was observed selling commercially manufactured metal pipes and glass pipes which should be considered a serious violation since he was allegedly selling items he didn't make, thus threatening the integrity of the Street Artists Program. Mr. Lazar described two previous warnings received by Mr. Alvarez for selling similar items on January 27, 2011 and July 29, 2009. Mr. Lazar noted that both warnings were for violations Mr. Alvarez committed during important holiday seasons. Photocopies of the pipes sold on July 29, 2009 were sent to the Commissioners. Mr. Lazar presented photos of the July 20 incident that showed metal pipes and glass pipes that Mr. Alvarez was selling.

Mr. Lazar noted that Mr. Alvarez was licensed for pipes but that he wasn't licensed for the pipes shown in the photos.

From Commissioner Calloway's question, Mr. Lazar clarified that Mr. Alvarez was selling items that were not approved by the Arts Commission.

Mr. Lazar recommended that, due to the serious nature of the violation along with the two previous warnings, Mr. Alvarez's certificate not be renewed.

Advisory Committee Member Josie Grant was called by Mr. Lazar to testify. Ms. Grant stated that she took the photos during monitoring for July 20, 2011 with Member Susan Tibbon. Ms. Grant said she had seen the same pipes during December on Market Street. Ms. Grant clarified that the anodized metal are manufactured and that Mr. Alvarez never presented them as a craft he created. He had been given permission to sell glass pipes as long as he added handcrafted clay material around each pipe. Ms. Grant explained that Mr. Alvarez uses glass forms and metal forms as the center of the pipe while creating an elaborate design around it.

Mr. Lazar presented photos to the Commissioners of Mr. Alvarez's previous screenings which showed an example of the elaborate work Ms. Grant spoke about.

Commissioner Calloway asked for clarification of the screening process when an artist creates a new design. Mr. Lazar answered that a relatively minor degree of derivation of the original design could be allowed but if it looks radically different, the artist would be asked to screen the item.

Ms. Grant testified that Mr. Alvarez was trying to cover up his display when the Advisory Committee members were out monitoring.

Commissioner Chew asked Mr. Lazar to give the Commissioners more information about the two previous warnings. Mr. Lazar read from the monitoring reports of December 21, 2010 and July 18, 2009. He read an excerpt from the July 18, 2009 monitoring by previous Committee member Mat Porkola regarding items which, according to the report, Mr. Alvarez "made no claim to making".

Mr. Alvarez was called to respond to the alleged violations. Mr. Alvarez stated that many people said that resin is toxic and that he was persistent to obtain the license after Mr. Lazar had denied it. After 3 weeks, he called to tell Mr. Alvarez that the license had been approved. He stated that his English is his problem and not the Street Artists Program. He stated he's been discriminated against in the warnings. According to his 2009 warning, they told him to come to a screening but he sent a letter for Mr. Lazar to sign that his art is decorating the pipes, and he apologized for not having the resin since he had to get the resin from Sacramento. He told the Commissioners that the inspectors only gave him a warning while they didn't give the other artists warnings who were in illegal spaces next to him. For the second warning in December 2010, he stated that the report is wrong in saying that 1/3 of his table was covered by illegal pipes and described that there were only a few pieces although he doesn't deny them being there. In response to the last warning, he had already covered his table to go to the bathroom and they missed giving someone a warning next to him who was in an illegal space.

Commissioner Calloway responded that it did not matter whether it was 1/3 of the display or less; what mattered was that Mr. Alvarez was caught selling pieces that were not authorized by the Advisory Committee and that he has no right to sell items that have not been approved even if Mr. Lazar or the Committee weren't able to meet with him.

Mr. Alvarez stated that the Committee members didn't take pictures of the pipes that had the resin.

Commissioner Calloway asked to see the photo of 2009 and clarified with Mr. Alvarez that he was not allowed to sell the articles depicted.

Motion: Motion to find Mr. Alvarez in violation of selling merchandise that was not approved by the Advisory Committee.
Moved: Calloway/Chuang.

Public Comment:
Ms. Grant reiterated that the anodized metal, glass pipes and other metal pipes were not approved.

Mr. Alvarez said that he just didn't have the resin as he was working.

The motion was passed unanimously.

Mr. Lazar clarified for Commissioner Calloway that Mr. Alvarez's certificate expires on April 6.

Motion: Motion to suspend Mr. Alvarez for 30 days.
Moved: Calloway/Chuang.

Commissioner Chew asked for public comment; there was none.

The motion was passed unanimously.

Mr. Lazar clarified the suspension process for Mr. Alvarez.

7. *Action.* **Hearing and possible motion to approve plans for celebration of 40th anniversary of Street Artists Program.**

Mr. Lazar asked that item #7 be taken since part of the Anniversary Ad Hoc Committee was present to discuss the 40th anniversary of the Street Artists Program. The Commissioners were sent copies of the notes taken at a May 23, 2011 Ad Hoc Committee meeting. Mr. Lazar asked Mr. Tad Sky to make a presentation about the proposal.

Mr. Tad Sky presented the Commissioners with the 40th anniversary proposal. He stated that June 30, 2012 has been approved by Recreation and Park for the celebration. The Committee wants banners put up to announce the celebration. The wish list/budget was also presented and discussed. Mr. Sky has researched costs for this year's celebration which total around $10,000. Mr. Sky asked for help from the Arts Commission to fund this celebration. He said former Arts Commission Director of Cultural Affairs Luis Cancel had been previously interested in synchronizing the 80th anniversary with the 40th anniversary of the Street Artists Program.

Commissioner Calloway agreed to donate his musical services at the event if he is available.

Mr. Sky talked about having bands as well as speakers such as Mayor Lee, Director of Cultural Affairs DeCaigny and Program Director Lazar. For the banners, Mr. Sky would like to see ten banners placed around Justin Herman Plaza, Fisherman's Wharf and Hallidie Plaza for one year.

Commissioner Calloway asked about the proposed $4,500 budget for banners. Mr. Sky responded that he was quoted by AAA Flag and Banner that it would be $4,500 for printing, getting permits, putting up and taking down the banners. Mr. Sky submitted a banner design that he had created.

Mr. Sky explained that three to four people were on the Ad Hoc Committee. Commissioner Calloway said he appreciated their hard work and wanted to make sure all street artists are aware of the event. Mr. Sky responded by saying he's been announcing it to the artists for about two years and also announcing the opportunity to participate on the Ad Hoc Committee.

Commissioner Chew asked about media outreach to which Mr. Sky briefly explained that the Ad Hoc Committee envisioned the printing of an educational brochure about the Street Artists Program.

Mr. Sky asked the Commissioners to advocate at the full Arts Commission to get funding.

Director of Cultural Affairs Tom DeCaigny said staff has have been rethinking the 80th anniversary since budget cuts have occurred, but he was open to considering joining the two events.

Commissioner Chew requested Mr. Lazar's input into the planning process.

Public Comment:
Mr. Z.B Doroskieviez described his work with City Guide for Justin Herman Plaza. He said he designed an ad for the guide as well as printed cards and collected money for these from other street artists. He was interested in also putting an image he created onto plastic/canvas bags as part of the 40th celebration.

Commissioner Calloway liked the idea of the banners and said that consideration should be given to putting them up as soon as possible. He said it was a form of inexpensive advertising.

Mr. Michael Addario stated that he liked the idea of promoting the street artists but that Tad Sky had said originally it wouldn't cost the street artists anything. Mr. Addario said the ordinance says only to use street artists money for administration and enforcement; not for promoting. Mr. Addario urged Mr. Sky to get the money first but said that it was too late for the planning process; it should have been done last year. He talked about the Arts Commission's mismanaged money and embezzlement and stated that he wanted his money back for being overcharged. He stated that the artists aren't making a lot of money.

Tad Sky noted that the total cost of the banner service was only $4,539, a part of the projected $10,000 budget for the event.

Committee Discussion:
Mr. DeCaigny clarified what was proposed was that the event's funding be outside of the Street Artists Program budget, and that his understanding was that the funding was being requested from the general administrative fund of the Arts Commission.

Commissioner Calloway proposed other methods of documentation.

There was discussion about finding private sources for funding or a way to find quick funding.

Mr. Lazar clarified the costs of the Program's 25th anniversary (1997).

No motion was taken.

8. *Action.* **Hearing and possible motion to authorize Program Director to request Board of Supervisors for temporary designation of six (6) street artist selling spaces on Market Street, north side, at Spear Street.**

Program Director Lazar presented a history of the current spaces on Market Street between Drumm and Spear streets. He said that he would ask the Board of Supervisors for the proposed six new spaces to be temporary. He recommended these additional spaces and presented a map showing them.

Mr. Sky submitted a map of a bird's eye view of the proposed spaces in relation to the current "Café" spaces and "BART" spaces on the same sidewalk.

Motion: Motion to authorize the Program Director to request the Board of Supervisors for temporary designation of six (6) street artist selling spaces on Market Street, north side, at Spear Street.
Moved: Calloway/Chuang.

Public Comment:
Street Artist Michael Addario stated that he was surprised at how fast this item moved along since he's been waiting for Mr. Lazar to get spaces at the Port since October 2010. He said Mr. Lazar was directed to get additional spaces for the Wharf which he hasn't done yet. Mr. Addario explained that spaces will be lost at the Wharf due to construction, and that it's the Committee's responsibility to follow up on Mr. Lazar since Mr. Addario is paying for his salary, or else there would be legal repercussions. He said street artists are already selling in the proposed spaces of Market Street while spaces that they need are being ignored. He urged Commissioners to get Port spaces and hold off on the proposed Market Street spaces.

Mr. Tad Sky urged to pass this motion especially since approval of the spaces was within reach. He reported that street artists as well as Mr. Addario himself have already been using the proposed spaces; they like them and sell there regularly. He said there was no conflict with merchants and no competing stores. He stated also that if street artists don't sell there, illegal sellers will take the spaces instead.

The motion was unanimously approved.

Commissioner Calloway proposed that the time be changed for the future meetings of the Committee meeting to better accommodate the work schedules of the Commissioners.

Commissioner Calloway left the meeting at 5 p.m.

9. *Discussion.* **Public Comment.**

There was no public comment.

12. *Action.* **Adjournment.**

The meeting was adjourned by Commissioner Chew at 5:04 p.m.

Respectfully submitted by:
Alyssa Licouris, Street Artists Program Assistant

Minutes approved by:
Howard Lazar, Street Artists Program Director

ADL 3/2/12

Explanatory documents submitted by the public at the meeting: Item #7: 40th Anniversary Proposed Budget by Tad Sky, 40th Anniversary Proposed Banner by Tad Sky, Proposed Advertisement by Z.B. Doroszkiewicz; Item #8: Bird's Eye View Map of Proposed Spaces by Tad Sky.

SAN FRANCISCO ARTS COMMISSION
STREET ARTISTS COMMITTEE

Wednesday, March 14, 2012
2:30p.m.
25 Van Ness Avenue, Suite 330B
San Francisco, CA 94102

03-09-12A10:34 RCVD

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(NOTE: NEW TIME AND LOCATION)

Agenda

1. **Roll Call**

2. *Discussion.* **Street Artists Program Director's Report.**
Current administrative, budgetary and programming developments, announcements, and initiatives

Explanatory document: SFMTA letter re: F-line boarding platform; Program Director to Board of Supervisors to request a hearing on designation of six (6) temporary spaces on Market Street/Spear to Steuart streets

3. *Action.* **Hearing and possible motion to request Board of Supervisors for re-designation of twenty-two (22) street artist spaces on Hyde Street, Jefferson to Beach streets, with exemption from regulation of Police Code Section 2405(c)(8)(2) which prohibits selling adjacent to a white zone.**

Explanatory document: Annotated Map 4: SF Street Artists Program Selling Area Spaces: Hyde Street.

4. *Action.* **Hearing and possible motion to approve proposal by Lottery Committee to re-number spaces on Hyde Street, Jefferson to Beach streets:**

It is proposed that, on the west side of Hyde Street, spaces J-4, J-3, J-2, J-1B, J-1A, and J-1 be renumbered as H-1 through H-6, respectively; and that spaces H-15 through H-21 be renumbered as H-7 through H-13 respectively.

It is proposed that, for the east side of Hyde Street, spaces H-1 through H-14 be renumbered as H-14 through H-27, respectively; and that spaces H-22 and H-23 be renumbered as H-28 and H-29, respectively.

Explanatory documents: Renumbered Map 4: SF Street Artists Program Selling Area Spaces: Hyde Street; Notes from Lottery Committee meeting of October 25, 2011.

5. *Discussion.* **Public Comment.**
(This item is to allow members of the public to comment generally on matters within the Committee's purview as well as to suggest new agenda items for the Committee's consideration.)

6. *Discussion.* **New Business and Announcements.**
(This item is to allow the Commissioners to introduce new agenda items for consideration, to report on recent arts activities and to make announcements.)

7. *Action.* **Adjournment: Motion to approve request by Program Director to adjourn meeting in memory of Street Artist Steven Goldberg.**

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MAR 21 2012
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SAN FRANCISCO ARTS COMMISSION
STREET ARTISTS COMMITTEE

Wednesday, March 14, 2012
2:30 p.m.
25 Van Ness Avenue, Suite 330B
San Francisco, CA 94102

Draft Minutes

Commissioner Chew, Chair, called the meeting to order at 2:35 p.m.

1. **Roll Call**
   Commissioners Present:
   Greg Chew, Chair
   John Calloway
   Amy Chuang
   Jessica Silverman

   Staff present: Director of Cultural Affairs Tom DeCaigny, Street Artists Program Director Howard Lazar, Street Artists Program Assistant Alyssa Licouris

Commissioner Chew welcomed the Commissioners and the sergeant-at-arms, Sergeant Robinson of Northern Police Station.

2. *Discussion.* **Street Artists Program Director's Report.**

Program Director Lazar reported on the following:

SFMTA Letter/F-Line: Mr. Lazar presented a copy of the letter he received on January 5 from SFMTA Director, Ed Reiskin, regarding the proposed location of the boarding platform of the F-line. Mr. Lazar explained that street artists and he attended three public hearings at SFMTA. Mr. Lazar wanted to thank Tad Sky who spoke at the hearings along with James Millard for spearheading the campaign. Mr. Lazar explained that he had met with Mr. Reiskin, National Park Service personnel, and several street artists at various meetings regarding the F-Line and the EIS report and expressed to Mr. Reiskin that the original EIS report showed the F-line platform location as being "inflexible". Mr. Lazar read excerpts from his response letter to a letter written by Mr. Reiskin which referred to adequate public input opportunities of the project. Mr. Lazar reported that Mr. Reiskin's letter now confirmed that the EIS report would "improve flexibility" when considering the location of the platform, that Mr. Reiskin had talked to Superintendent Frank Dean of Golden Gate National Rec Authority who understood the street artist concerns, the EIS document has been adjusted, and there would be adequate public input opportunities. Mr. Lazar reported that he was pleased with Mr. Reiksin's letter.

Travel Channel: On February 10, Mr. Lazar and street artists were interviewed at the Wharf by the Travel Channel. They interviewed street artist Lottery Committee members and were interested in the history of the Street Artists Program and the lottery procedure of assigning spaces. Mr. Lazar reported that it would be aired in April and the Street Artists Program would be sent a DVD copy of the interview along with a YouTube link to share with the street artists who have e-mail.

BART spaces: Mr. Lazar explained that the full Arts Commission approved the proposal to add six (6) new, temporary spaces to the "BART" area on Market Street between Spear and Steuart streets near Justin Herman Plaza. Mr. Lazar reported that the new spaces legislation will be put on the March 20th full Board of Supervisors agenda which would probably be referred to the Land Use Committee. Mr. Lazar said that the additional spaces were non-controversial since no one seemed to be against them.

Jefferson Street Reconstruction: Mr. Lazar reported that Jefferson Street between Hyde and Jones streets will undergo transformation to widen sidewalks and become more pedestrian friendly, and that street artists expressed fear that they may lose their spaces. Mr. Lazar spoke with the Executive Director of the Fisherman's Wharf Community Benefit District, Christine Maley-Grubel who told him that she had called the Planning Department and they assured her that the street artists won't lose any spaces on Jefferson Street.

Mr. Lazar said that the street artists' spaces will probably have to be adjusted when construction occurs. As an example of adjusting spaces during a construction period, he cited street artist Tad Sky who, when the Embarcadero was under construction due to the F-Line and the Farmers Market vendors were displaced, had to negotiate daily with the farmers group to find spaces for street artists with the farmers at Justin Herman Plaza. Mr. Lazar explained that, as the Program Director, he has authority to relocate street artist sidewalk spaces on a given block without requiring approval from the Board of Supervisors. Mr. Lazar reported that reconstruction of Jefferson Street would occur between October, 2012 and June, 2013.

Commissioner Chew suggested that after the reconstruction Mr. Lazar ask for more additional spaces on Jefferson Street since the street will become more pedestrian friendly.

Mr. Lazar responded that he would have to go to both the Port Commission and the Board of Supervisors for approval to receive additional spaces.

Public Comment:
Tad Sky suggested that staff talk to the landscape architects and workers when construction occurs to save or find alternative spaces since the workers don't want to displace artists. He noted that it was good that construction would happen during the winter months.

Committee Discussion:
In response to a question by Commissioner Chew, Mr. Lazar confirmed that both sides of Jefferson Street were under the authority of the Port Commission.

3. *Action.* **Hearing and possible motion to request Board of Supervisors for re-designation of twenty-two (22) street artist spaces on Hyde Street, Jefferson to Beach streets, with exemption from regulation of Police Code Section 2405(c)(8)(2) which prohibits selling adjacent to a white zone.**

Mr. Lazar explained that by regulation street artists' spaces can't be next to a white zone. He explained that the Board of Supervisors by an ordinance has the authority to exempt street artists' spaces from any regulation as long as it wouldn't cause public safety issues. Mr. Lazar reported that the curbs adjacent to 22 of the 29 spaces on Hyde Street have been painted white. He was informed of this by street artist William Clark.

Commissioner Calloway commented that it seems like it is the "responsibility" of the Street Artists Program to react to other departments' actions.

Mr. Lazar stated that in the beginning years the Street Artists Program received little cooperation from other agencies, but now agencies will notify them about certain issues such as the Mobile Food Facilities applications.

Commissioner Calloway noted that it shows progress as an agency.

Mr. Lazar responded to Commissioners Chew's question regarding the procedures of approval for the item. Mr. Lazar stated that approval would be sought first by the full Arts Commission, and then the item would be submitted to the Land Use Committee of the Board of Supervisors.

Motion: Motion to request Board of Supervisors for re-designation of twenty-two (22) street artist spaces on Hyde Street, Jefferson to Beach streets, with exemption from regulation of Police Code Section 2405(c)(8)(2) which prohibits selling adjacent to a white zone.
Moved: Calloway, Silverman.

Commissioner Chew called for public comment. There was no public comment.

The motion was unanimously approved.

4. *Action.* **Hearing and possible motion to approve proposal by Lottery Committee to re-number spaces on Hyde Street, Jefferson to Beach streets:**

It is proposed that, on the west side of Hyde Street, spaces J-4, J-3, J-2, J-1B, J-1A, and J-1 be renumbered as H-1 through H-6, respectively; and that spaces H-15 through H-21 be renumbered as H-7 through H-13 respectively.

It is proposed that, for the east side of Hyde Street, spaces H-1 through H-14 be renumbered as H-14 through H-27, respectively; and that spaces H-22 and H-23 be renumbered as H-28 and H-29, respectively.

Mr. Lazar explained several of the street artist spaces on Hyde Street which are named as J1, J2, etc. originally belonged on Jefferson Street, but they were moved due to the advent of the Argonaut Hotel. Mr. Lazar stated that since the artists knew them as "J" spaces, the labels were kept after the spaces were moved. Mr. Lazar stated that the Street Artists Program staff met with Lottery Committee members who proposed a uniform progression of numbers as 1 to 29 or H1 to H29. Mr. Lazar explained that the staff would develop a new sign-in sheet and adjust the maps on the website, and that approval from the Board of Supervisors was not necessary.

Motion: Motion to approve proposal by Lottery Committee to re-number spaces on Hyde Street, Jefferson to Beach streets.
Moved: Calloway, Silverman

Commissioner Chew called for public comment. There was no public comment.

The motion was unanimously approved.

5. *Discussion.* **Public Comment.**

Street Artist Tad Sky reminded the Commissioners about the upcoming 40th anniversary of the Street Artists Program. He made a plea for funding for the event from the Arts Commission. He said that if the Commission waited until the Program's 50th anniversary to celebrate, it would be questionable as to how many of the original artists would be present to celebrate; it was essential to do it now. He also emphasized that it would be good publicity for the artists and the Arts Commission which this year is celebrating its own 80th anniversary.

Mr. Sky stated that the estimated budget for the event was $10,000-12,000. The budget included items such as banners at the three main street artist locations for a year, a permit from Recreation-Park Department, a stage, toilets and other things. He stated that he was hoping to get the music acts for free. He foresaw the event being low key and low budget. He stated that it is important to promote since, from the beginning, the Street Artists Program never discriminated against anyone; equal opportunity was granted to everyone. He said that if a celebration did not occur, it would be a great opportunity missed.

Mr. Sky described other organizations that receive funding from the Arts Commission. He stated that he

believes the Street Artists Program is a worthy cause, too.

Commissioner Chew expressed support of using the Arts Commission's communication resources to provide outreach for the event since 40 years is a milestone.

Director of Cultural Affairs Tom DeCaigny explained that he had a meeting scheduled with the Street Artists Program staff the following week and that he is committed to celebrating the 40th anniversary. He stated that since it was not in this year's Arts Commission's budget, he will have to review the 3rd quarter report to see how much money is left over after accommodating unexpected costs such as City Attorney fees. He stated that finding funds for the Street Artists Program anniversary was a top priority. He has dedicated staff time towards communications relating to the event and he will speak to the Development Director to see if they can find outside funders. He noted that the event is on his calendar. As of right now, he stated, the Arts Commission is committed to in-kind donations of staff time for creating press releases and getting press at event.

Commissioner Chew stated that the 40th anniversary is an important event. He suggested trying to obtain less expensive permit prices.

Mr. Lazar reported that he has described the event to Recreation and Park staff. He stated that, in addition to the permit for the event, there is a music permit usually for a two-hour long music slot but that Rec-Park might allow a longer time frame if the music is of low key amplification.

Commissioner Chew stated that the music shouldn't be pro bono and suggested showcasing long-time artists at the event.

Commissioner Calloway questioned the value of showcasing long-time artists.

Mr. Sky suggested that they have a lottery to select artists for showcasing.

There was no further public comment.

6. *Discussion.* **New Business and Announcements.**

Street Artist Tad Sky proposed that the Commissioners have a print-out of the list of the Arts Commission's standard penalties in front of them at their meetings in order to help speed up the violation hearing process and help the Commissioners on their decision-making.

Mr. Lazar explained further that they would have one sheet which had an example of all of the standard penalties that were created from the "Bluebook" which were developed by the Arts Commission and the City Attorney. He also reminded the Commissioners that they always have the authority to mitigate or increase the penalty.

Mr. Sky stated that the listed types of violations were in Chapter 9 of the "Bluebook".

Mr. Lazar stated that he would bring the standard violation/penalty list to every meeting for the Commissioners.

Director of Cultural Affairs Tom DeCaigny noted that the list would be like a cheat sheet or quick reference guide to the "Bluebook". He stated that this sheet would help the process have more equity.

There was no further public comment.

7. *Action.* **Adjournment: Motion to approve request by Program Director to adjourn meeting in memory of Street Artist Steven Goldberg.**

Mr. Lazar said that Mr. Steve Goldberg had been a street artist at least 12 years who had worked primarily at Fisherman's Wharf and at the Cliff House area.

Motion: Motion to approve request by Program Director to adjourn meeting in memory of Street Artist Steven Goldberg.
Moved: Calloway, Silverman.

Commissioner Chew called for public comment. There was no public comment.

The motion was unanimously approved.

The meeting was adjourned at 3:08 p.m.

Respectfully submitted by:

Alyssa Licouris, Street Artists Program Assistant

Minutes approved by:

Howard Lazar, Street Artists Program Director

SAN FRANCISCO ARTS COMMISSION
STREET ARTISTS COMMITTEE

Wednesday, May 9, 2012
3:00 p.m.
25 Van Ness Avenue, Suite 70
San Francisco, CA 94102

05-04-12A10:46 RCVD
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Agenda

1. **Roll Call**

2. *Discussion.* **Street Artists Program Director's Report.**
Current administrative, budgetary and programming developments, announcements, and initiatives

3. *Action.* **Hearing and possible motion to recommend to the Mayor six (6) candidates to fill two (2) vacant positions on the Advisory Committee of Street Artists and Crafts Examiners:**
   A) Renee de Cossio
   B) Ethel Jimenez
   C) Toby Klayman
   D) Maggie Malloy
   E) Jennifer Morningstar
   F) Jerry Sierra

   Explanatory documents: Resumes for: Renee de Cossio, Ethel Jimenez, Toby Klayman, Maggie Malloy, Jennifer Morningstar, Jerry Sierra.

4. *Action.* **Hearing and possible motion to request Board of Supervisors to designate for six (6) months two (2) street artists spaces on Jefferson Street, south side, at Leavenworth Street.**

   NOTE: With the elimination of space "L-1" from Leavenworth Street due to creation of an adjacent entrance, staff proposes that 2 spaces be designated around the corner on Jefferson Street.

   Explanatory document: Annotated Map 5: SF Street Artists Program Selling Area Spaces: Leavenworth Street.

5. *Discussion.* **Public Comment.**
(This item is to allow members of the public to comment generally on matters within the

Committee's purview as well as to suggest new agenda items for the Committee's consideration.)

6. *Discussion.* **New Business and Announcements.**
(This item is to allow the Commissioners to introduce new agenda items for consideration, to report on recent arts activities and to make announcements.)

7. *Action.* **Adjournment.**

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May 9, 2012

SAN FRANCISCO ARTS COMMISSION
STREET ARTISTS COMMITTEE

Wednesday, May 9, 2012
3:00 p.m.
25 Van Ness Avenue, Suite 70
San Francisco, CA 94102

Draft Minutes

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Commissioner Chew, Chair, called the meeting to order at 3:04 p.m.

1. Roll Call
Commissioners Present:
Greg Chew, Chair
John Calloway
Amy Chuang

Commissioners Absent: Jessica Silverman

Staff present: Arts Commission Deputy Director Rebekah Krell, Street Artists Program Director Howard Lazar, Street Artists Program Assistant Alyssa Licouris

Commissioner Chew welcomed the Commissioners and Police Officer Walsh acting as the sergeant-at-arms.

2. *Discussion.* **Street Artists Program Director's Report.**

Program Director Lazar reported on the following:

CBS SF Article: On March 26, 2012, an article "Best Places to Find Street Artists in San Francisco" was published by CBS SF. A photo feature highlighted street artists Jill Gustafson, Chiyori Filion, A.B. Petrow, Bo Bixler, Sheila Taylor-Hill, Rebecca Wolford, William Tumath, Michael Borofka, Mara Murray, Jackie Boutin and Sue Phelan, Emilio Sotelo, Mandi Stillwell, Sureyya Ozsoy, Tania Echegaray, John Ammann, Anne Dal Pozzo, and Diana Samuelson.

6 Spaces on Market Street, Spear to Steuart streets: On March 24, 2012, the Board of Supervisors approved the Arts Commission's request for 6 additional street artists spaces on Market Street, Spear to Steuart streets.

2 Spaces on Post Street: On May 7, 2012, the Land Use Committee approved a recommendation to the full Board of Supervisors for approval of re-designation of the 2 temporary spaces on Post Street at Stockton Street. The temporary spaces were created due to the adverse impact by the Central Subway project on the 7 spaces on Geary Street.

DPW Mobile Food Facilities Hearing: On April 25, 2012, Mr. Lazar and street artists Tad Sky, Maria Hilius, Debra King and Stephen Phillips spoke at a DPW hearing to voice opposition to an application for a food vendor permit to set up on Market Street, Spear to Steuart streets. Street Artists Mabel Ma and Linda Pedersen were also present at the hearing. Mr. Lazar reported at the hearing that 6 spaces had been approved by the Board of Supervisors the day before in the same location that the mobile vendor wanted. Mr. Lazar recommended that the mobile food vendor move across the street. DPW's staff was ordered to look into the matter for the hearing officer.

40th Anniversary update: The full Arts Commission approved a $12,000 budget to be paid by the Arts Commission for it's Street Artists Program's 40th anniversary event. Mr. Lazar, Program Assistant Licouris and other Arts Commission staff are working with a design team to create double sided, double pole banners that will be up for 1 year to advertise the street artists marketplaces. Mr. Lazar reported that the Department of Recreation and Parks will be paid next week for a sound amplification permit and a permit to use the entire Justin Herman Plaza. Mr. Lazar said that the event will take place on Saturday, June 30. He reported that Arts Commission President JD Beltran will be opening the ceremony, and the Mayor should be in attendance. Mr. Lazar invited the Street Artists Program Commissioners to the event. He added that double the amount of street artists will be set up for business in the Plaza on the day of the event.

Public Comment:
Tad Sky thanked the Commissioners and Director of Cultural Affairs Tom DeCaigny for helping to advocate and seek funding for the 40th anniversary celebration.

3. *Action.* **Hearing and possible motion to recommend to the Mayor six (6) candidates to fill two (2) vacant positions on the Advisory Committee of Street Artists and Crafts Examiners:**
A) Renee de Cossio
B) Ethel Jimenez
C) Toby Klayman

D) Maggie Malloy
E) Jennifer Morningstar
F) Jerry Sierra

Program Director Lazar explained that the Advisory Committee is responsible for screening the wares of applicants and to verify the artwork is created by the applicants. Mr. Lazar stated that while the Advisory Committee is a five person committee, there are currently two vacancies. By law, Mr. Lazar said, the Arts Commission must submit three candidates per vacancy to the Mayor. Mr. Lazar expressed his gratitude to Commissioner Chew for helping him interview candidates who showed portfolios and work samples. Mr. Lazar explained that six candidates qualify for the position and he requested a Street Artists Committee recommendation in order to continue the approval process to the full Arts Commission which in turn would then submit the names to the Mayor.

Motion: Motion to recommend to the Mayor six (6) candidates to fill two (2) vacant positions on the Advisory Committee of Street Artists and Crafts Examiners: Renee de Cossio, Ethel Jimenez, Toby Klayman, Maggie Malloy, Jennifer Morningstar, Jerry Sierra.
Moved: Chuang, Calloway

Commissioner Chew called for public comment. There was no public comment.

The motion was unanimously approved.

4. *Action.* **Hearing and possible motion to request Board of Supervisors to designate for six (6) months two (2) street artists spaces on Jefferson Street, south side, at Leavenworth Street.**

NOTE: With the elimination of space "L-1" from Leavenworth Street due to creation of an adjacent entrance, staff proposes that 2 spaces be designated around the corner on Jefferson Street.

Mr. Lazar explained that he added the 6-month time frame as the Board of Supervisors is more willing to approve spaces on a temporary basis first to make sure they cause no problems before the Board might ultimately make the spaces permanent.

Mr. Lazar described the history of the Leavenworth spaces. He explained that many artists that use those spaces are portrait artists and caricature artists. Mr. Lazar stated that The Cannery is now owned by the Academy of Art, and a new store, Wharf Garage, has expanded its doorway on the Leavenworth side thus eradicating space "L-1" since it now would be in violation of the doorway regulation.

The Board of Supervisors, Mr. Lazar noted, can exempt a space from such a regulation if the space does not threaten public safety, and the Board has done this for many spaces in the past. With the loss of space "L-1", "L-2" doesn't get immediate attention from the public; the artists want to move "L-1" around the corner to the Jefferson side of the store and add a second space. Mr. Lazar said that two spaces could possibly fit in on the sidewalk around the corner from "L-1". He noted that the proposed spaces would require an exemption and they did not seem to pose a public safety issue.

Mr. Lazar stated that he had spoken to Ms. Rebecca Delgado of the Academy of Art and had received an e-mail from the store owner opposing the placement of any street artist spaces on Jefferson Street. Mr. Lazar said that Ms. Delgago asked for the item to be continued. Mr. Lazar recommended this to the Commissioners so he could have time to make a detailed drawing of the proposal. Mr. Lazar asked the Commissioners to discuss the matter even if no motion is made.

Commissioner Chew agreed that there was not enough evidence to make a decision, and he asked for a better map to get a clearer picture of the area in question.

Commissioner Calloway requested photographs of the area to better understand the question.

In answer to a question by Commissioner Chew, Mr. Lazar stated that, although there are other spaces on Leavenworth Street, only the first 3 or 4 spaces are viable since the rest of the spaces are far removed from the main stream of traffic.

Public Comment:
Street Artist Drew Flores explained that he spoke with the store owner, David Berbery, and that Mr. Berbery had not had a problem with the proposal. Mr. Flores explained that if Mr. Berbery is now worried about congestion, there had previously been street artists spaces in that same proposed spot many years ago. Mr. Flores reiterated the vital importance of "L-1" since it always lured the public into the other spaces on Leavenworth Street. Mr. Flores explained that although there is a short distance between "L-1" and "L-2", the amount of money that can be made at "L-1" is a significant difference than that at "L-2".

Commissioner Calloway questioned whether "L-1" could be re-designated. Mr. Lazar responded that it could be re-designated only by exemption from the doorway regulation.

Mr. Flores said that Mr. Berbery had wanted to work with the street artists but had not wanted "L-1" to block the doorway.

Mr. Lazar answered a question by Commissioner Calloway about the visibility and viability of the proposed spaces. Mr Lazar stated that the street artists would be able to take advantage of the high volume of traffic that is on Jefferson Street around the corner from "L-1".

Commissioner Calloway asked Mr. Flores about the number of artists using Leavenworth spaces.

Street Artist Brian Hopper stated that the 8 ft x 10 ft doorway was finished for the store on March 17. He had spoken to Mr. Berbery and recommended that he speak to Mr. Lazar. Mr. Hopper also emphasized the importance of "L-1" versus "L-2" saying it was "like night and day"; the other Leavenworth spaces are blocked by trees and the public cannot see them.

Rebecca Delgado, representative from Academy of Art, stated that her organization did not want to object to the activities of the artists but to express its concern about the safety of those people in the area. She noted that the proposed spaces would not be within the City guidelines.

Ms. Delgado presented the Commissioners with a packet of photos of Jefferson Street as evidence of her organization's concerns and showing

the narrowness of the Jefferson Street sidewalk.

Ms. Delgado pointed out that the proposed street artist space 25 feet down Jefferson Street would not be in compliance with City guidelines and explained how it would block emergency exit doors, not meet the entrance requirement and would be in violation of sprinkler inlet and foot traffic restrictions.

Mr. Lazar noted that the distance-from-doorway regulation was changed from 12 feet to 10 feet.

Ms. Delgado explained that the sidewalk on Jefferson Street becomes more narrow and, with a high volume of pedestrian traffic, there would be a safety issue if a street artist space was present.

Ms. Delgado suggested that the street artists continue to use the current Leavenworth spaces instead of the proposed spaces.

Ms. Delgado said that after hearing about the proposal for a space on the corner of Jefferson and Leavenworth streets she would consider the space and go back to that site to see if that would be a viable option.

Mr. Lazar explained that the street artists used to have a space called "J-9" on that same corner of Jefferson and Leavenworth streets. Mr. Lazar stated that the Street Artists Ordinance does not have regulations regarding blocking windows and that that location could be a possible option since it is not blocking a major window of the store. Mr. Lazar said the street artists would be at the curb and not directly in front of the window which is already obstructed by trees.

There was discussion about the placement of the proposed spaces on the corner of Jefferson and Leavenworth streets and the Commissioners noted that there are currently spaces on Jefferson Street down the block.

Mr. Lazar suggested that he meet with Mr. Berbery, Ms. Delgado, and the street artists to work out an agreement of the placement of the proposed spaces and explained the process of getting the spaces approved.

Commissioner Calloway recommended speeding up the process to which Mr. Lazar suggested submitting the proposal to the June 4 full Arts Commission meeting, and the Commissioners agreed.

Motion: Motion to issue a continuance for item #4.
Moved: Calloway, Chew

Public Comment:
Street Artist Tad Sky stated that he used to sell in "J-9" when it existed, there was never an issue with pedestrian safety, and he never saw anyone come out of the fire door. Mr. Sky suggested that the best solution is to work with the store owner. He noted that cafés on Jefferson have taken up the whole sidewalk, so an exception for street artists should be appropriate. Also the Academy of Art, in his opinion, should want to promote artists. Mr. Sky also noted that old "J-9" helped funnel pedestrians towards the doorway and windows of the stores.

Street Artist Maria Hilius suggested that street artists set-up in the proposed spaces for Jefferson Street as a trial and take pictures to see how they would fit on the sidewalk.

The motion was unanimously approved.

5. *Discussion.* **Public Comment.**

Street Artist Tad Sky submitted possible locations around the city for the 40th anniversary banners which he has scouted out. Mr. Sky stated that it would be better to have the banners near the spaces rather than having them in areas like Lombard Street or Van Ness Avenue since they would be too isolated and wouldn't have as much of an impact.

There was no further public comment.

6. *Discussion.* **New Business and Announcements.**

There was no further new business or announcements.

There was no public comment.

7. *Action.* **Adjournment.**

There being no further business, the meeting was adjourned at 3:59 p.m.

Respectfully submitted by:
Alyssa Licouris, Street Artists Program Assistant

Minutes approved by:
Howard Lazar, Street Artists Program Director

ADL 5/17/12

An audio recording of this meeting is available online at the following address: http://www.sfgov3.org/index.aspx?page=3507
Additional Explanatory documents submitted by the public at the meeting: Item #4: Photo packet/evidence by Rebecca Delgado;

Item #5: Proposed 40th Anniversary Banner Locations by Tad Sky.

sfac

SAN FRANCISCO ARTS COMMISSION
STREET ARTISTS COMMITTEE

Wednesday, July 11, 2012
2:30 p.m.
25 Van Ness Avenue, Suite 70
San Francisco, CA 94102

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Agenda

1. Roll Call

2. *Discussion.* Street Artists Program Director's Report.
Current administrative, budgetary and programming developments, announcements, and initiatives

3. *Action.* Hearing and possible motion to request Board of Supervisors for designation of six (6) months of two (2) street artist selling space on Jefferson Street, south side, Leavenworth to Hyde Streets. (continued from May 9, 2012 Street Artists Program Committee meeting).

   Explanatory document: Annotated Map 5: SF Street Artists Program Selling Area Spaces: Leavenworth Street.

4. *Action.* Hearing and possible motion to request Board of Supervisors for exemption of space "L-1", on Leavenworth, west side, at Jefferson Street, from the 10' entrance regulation (Section 2405 (c) (6)) and the 5' distance-from-space regulation ((Section 2405 (c) (3)).

   Explanatory documents: Annotated Map 5: SF Street Artists Program Selling Area Spaces: Leavenworth Street.

5. *Action.* Hearing and possible motion to approve re-issuance of former certificate number (#5700) to street artist Jonovan (currently #8594).

6. *Discussion.* Public Comment.
(This item is to allow members of the public to comment generally on

matters within the Committee's purview as well as to suggest new agenda items for the Committee's consideration.)

7. *Discussion.* New Business and Announcements.
(This item is to allow the Commissioners to introduce new agenda items for consideration, to report on recent arts activities and to make announcements.)

8. *Action.* Adjournment.

Notices

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July 11, 2012

SAN FRANCISCO ARTS COMMISSION
STREET ARTISTS COMMITTEE

Wednesday, July 11, 2012
2:30 p.m.
25 Van Ness Avenue, Suite 70
San Francisco, CA 94102

Draft Minutes

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Commissioner Chew, Chair, called the meeting to order at 2:36 p.m.

1. Roll Call
Commissioners Present:
Greg Chew, Chair
John Calloway
Jessica Silverman

Commissioners Absent: Amy Chuang

Staff present: Arts Commission Deputy Director Rebekah Krell, Street Artists Program Director Howard Lazar, Street Artists Program Assistant Alyssa Licouris

Commissioner Chew welcomed the Commissioners and Police Officer Reboli acting as the sergeant-at-arms.

2. *Discussion.* **Street Artists Program Director's Report.**

Program Director Lazar reported on the following major accomplishments of Fiscal Year 11-12:

40th Anniversary Celebration: Mr. Lazar thanked the Commissioners, Director of Cultural Affairs DeCaigny, and Deputy Director Rebekah Krell for their participation in the event. He thanked Mr. DeCaigny for suggesting that the Arts Commission fund the event, and thanked artists Maria Hillius and Tad Sky for their participation on the Anniversary Committee and dealing with the set-up of the event. He reported that the event was joyous and the Program's banners are located around town.

[The event garnered a feature article in the San Francisco Chronicle and an NBC feature which aired three times.]

Enforcement: Mr. Lazar stated that there has been a significant deterrent to violations due to Advisory Committee and Program Director presence in street artist areas: Advisory Committee members monitored 36 days (weekend and weekdays) of the year; Program Director monitored 69 days (weekday afternoons). Forty written warnings were issued by staff; 1 studio visit was conducted by Advisory Committee and staff; 14 hearings on violations were conducted by Street Artists Committee, resulting in 1 license revocation; 3 suspended licenses; and 2 denied licenses. There are 3 current cases being investigated as compared to 43 under investigation two years previously.

Licensing: 114 new artists licensed (or an average of 9 per month); 52 reinstated former license holders; 406 average number of artists licensed; 433 current number of artists in the Program.

Public Document and Information Requests / Sunshine Task Force Hearings: 97.5 hours spent by Program staff responding to public records/documents requests and Sunshine Task Force hearings. (Comparison: 227.5 hours spent during 2010-11.); 8 hearings of Sunshine Task Force during 2011-12. (Comparison: 12 hearings for 2010-11.)

Completion of Board of Supervisors "Survey of Costs of Compliance with City Sunshine Ordinance" for calendar year 2011: On the survey, Mr. Lazar reported fulfillment of 52 requests for public records/information, representing 117 work hours; preparation for and attendance of 28 Sunshine Task Force and committee hearings, representing 80 work hours; expense of $21,188 (legal fees, etc.) in order to comply with the Sunshine Ordinance and its Task Force – and, to offset all of this time and effort, receipt of a total of $34.60 in document copying fees.

Sunshine Ordinance Task Force Members: Number of members no longer retained on the Task Force: 7 members (including its chairperson) out of 10 members.

Accomplishments at Board of Supervisors: 3 Board of Supervisors' resolutions passed which included 6-month designation of 6 spaces on Market Street, north side, Spear to Steuart streets; permanent re-designation of 22 spaces on Grant Avenue, O'Farrell to Sutter streets, exempted from yellow zone regulation; and 6-month designation of 2 spaces on Post Street, northwest corner, at

Stockton Street.

Mobile Food Facilities: Program staff participated in a discussion called by Supervisor Scott Weiner regarding food vendors applying for permits throughout the City; Mr. Lazar expressed that some vendors were attempting to take away potential street artist spaces.

Commissioner Calloway asked if artists who do not have licenses try to set up in designated street artist spaces. Street Artist Tad Sky responded that they know each other well enough to know who doesn't have a license but the hard part is figuring out what crafts each person is allowed to sell.

Commissioner Calloway suggested that staff create a map of the city that shows where all of the street artists spaces are located on the Program's website (or as a hard copy map) to give people a scale of spaces throughout the City. Mr. Lazar mentioned that Program Assistant Alyssa Licouris had started a project similar to what Commissioner Calloway was suggesting.

Commissioner Chew agreed it was a great idea for a comprehensive map.

Program Director Lazar mentioned that the artists have lost over 100 viable spaces over the years due to construction, doorways, repainted curb zones, etc.

Commissioner Calloway reiterated that it would give the public a visual sense of the breadth of street artist locations of the Program.

Public Comment:
Street Artist Tad Sky thanked the Arts Commission for funding the event, the Commissioners for attending, and Commissioner Calloway for performing at the event. Mr. Sky shared that he thought the banners were not put up quick enough. He reported that for another occasion he had ordered banners which took two weeks to produce whereas the Arts Commission took six months. He said that it was important for the banners to be placed near the artists' displays so the public could see that the celebration was occurring. He said they have been placed in different parts of the City instead. He acknowledged that AAA Banners was difficult to work with but said that the Arts Commission's order for banners took too long and they weren't as affective. He said that the banners cost half of the funding for the event. Aside from the banners, he said the celebration was great.

David Berbey of SFO Forecast/Wharf Outdoors, asked for the number of existing street artist spaces. Program Lazar responded that he needed to verify an accurate count.

Street Artist Maria Hillius stated that the number of spaces changes every month based on ongoing loss of spaces and replacement of spaces, therefore it is difficult to give an exact number.

4. *Action.* **Hearing and possible motion to request Board of Supervisors for exemption of space "L-1", on Leavenworth Street, west side, at Jefferson Street, from the 10' entrance regulation (Section 2405 (c) (6)) and the 5' distance-from-space regulation ((Section 2405 (c) (3)).**

Program Director Lazar explained that spaces "L-1" and "L-2" were originally designated on a permanent basis in the 1970's by the Board of Supervisors. Then, due to creation of an adjacent doorway in The Cannery, Mr. Lazar in 1989 sought and received Board of Supervisors redesignation of the 2 spaces with their exemption from the distance-from-doorway regulation. The redesignation was for one year where upon Mr. Lazar sought and received an additional year's designation in 1990. The purpose of the one-year designation was to allow for an annual review by the Arts Commission, the artists, and The Cannery. Mr. Lazar stated that after the spaces terminated for the second time (February 1991), he forgot about seeking their redesignation and they have not been reviewed since that time. However many street artists have been selling in the spaces for the last 21 years and he has not heard of any problems dealing with either the public's safety or any complaints from the succession of stores adjacent to the spaces.

The current store at the site owned by Mr. David Berbey expanded the doorway on Leavenworth Street to 8 feet and it has another doorway on its Jefferson Street side. Mr. Lazar stated his observation that, most of the store's traffic goes in through the Jefferson doorway. He said he met with Mr. Berbey and had asked that the spaces be redesignated subject to the distance-from-doorway regulation. But Mr. Berbey had rejected the request.

Commissioner Calloway asked why item #4 was moved up. Mr. Lazar responded that if the artists were going to lose "L-1" and "L-2", they wanted to replace them on Jefferson Street side with redesignation of former space "J-9" at the corner. He further reported that he and artists had met with Mr. Berbey and Ms. Rebecca Delgado of The Cannery who said they didn't want the old space "J-9" to be redesignated because it blocked the window of Mr. Berbey's store. Street artists said they would relinquish their proposed space on Jefferson Street if they could keep the two Leavenworth Street spaces.

Mr. David Berbey, Wharf Outdoors business owner, presented his "exhibit 4" to the Commissioners which showed a photograph of the spaces and his doorway on Leavenworth Street. He said that the doorway was expanded 3 months ago and at the time he approached the artists he didn't realize that the spaces were not designated.

Mr. Lazar clarified that he had not discovered his error of not seeking redesignation until after his meeting with Mr. Berbey.

Mr. Berbey said he wanted to find a solution since this situation has been going on since April. Mr. Berbey reported that during fourth of July weekend, his doorways were blocked by street artists and it affected his business. He reported that the doorway expansion costed $65,000, and that two entrances are important. He said that there are 8 other street artists spaces down Leavenworth Street and that he thinks spaces "L-3" and "L-4" could be activated. Mr. Berbey said the corner spaces block doorways and are hazardous.

Commissioner Silverman asked why there was a space between "L-5" and "L-6". Street Artist Brian Hopper responded that there used to be an adjacent entrance which is no longer there. Commissioner Silverman said she feels empathy for the business owner since she is a business owner herself.

Mr. Berbey noted that "L-1" and "L-2" are out of compliance so there should be no discussion about them.

Mr. Lazar reiterated that he had obtained Board of Supervisors' redesignation of the two spaces subject to exemptions twice before and that prior to this the spaces has been permanently designated in the 1970s.

Commission Calloway asked for further clarification of the history of "L-1" and "L-2" which Mr. Lazar provided.

Public Comment:
Street Artist Drew Flores stated that he has been in the program for over 20 years and that previous business owners in the store occupied by Mr. Berbey's store had thriving businesses. He said that he doesn't believe that getting rid of street artists will help Mr. Berbey's business thrive, and that the street artists have always coexisted with business owners. He noted that getting rid of "L-1" and "L-2" will "be the end of us". He said that Street Artist Brian Hopper has worked in those spaces for 30 years and the artists are able to watch the traffic. He reported that people who block the door aren't street artists' customers but they are customers of Mr. Berbey's store waiting to go inside or they are just people waiting around. He said that Mr. Berbey had been receptive to having a street artist space around the corner on Jefferson Street before he talked to his partners.

Mr. Flores answered Commissioner Calloway's and Commissioner Chew's questions by stating that he likes to sell in "L-1" when he has the chance and that all the artists who use "L-1" are portrait artists.

Mr. Berbey said he has empathy for the program but he explained that having his new doorway blocked by crowds has created a negative impact on his business' sales.

Commissioner Chew commented that many of the street artists spaces are located in other congested areas like Downtown.

Mr. Berbey said he spoke for Ms. Rebecca Delgado who represents The Cannery since she had to leave the meeting.

Street Artist Tad Sky said he understood the business owner's point of view but there is a precedent of the existence of street artist spaces for 40 years. He explained that street artists like the Leavenworth Street spaces because it is less windy than other areas and because there is foot traffic. He said that customers will more likely walk down the block if an artist is set up on the corner. He said he used to sell in "J-9" and observed that customers will go into a store or stop at a booth if they're interested. He explained that the street artists are not in competition with the store business since they sell different items. He noted that congestion is everywhere in the city and business fluctuates regardless. He said that they've lost spaces all over the city and that it's important to keep the valuable spaces.

Commissioner Calloway suggested keeping "L-2" since the Leavenworth Street spaces have been used for 40 years.

Mr. Berbey disagreed with the proposal. He said he has been allowing street artists to set up in "L-2". He reminded Commissioners that they should not be having this discussion because the spaces do not exist. He told the Commissioners that they should be careful how they handle the situation.

Mr. Lazar stated that it was highly proper for this discussion to take place. He reported that the Board of Supervisors has granted spaces that previously had existed with exemptions. He clarified that the artists moved "L-1" closer to "L-2" by about 2 feet. He said "L-2" is on opposite side of a tree trunk.

The Committee clarified that the motion would be to redesignate "L-2" which is on the opposite side of the tree.

Street Artist Brian Hopper asked why Mr. Berbey didn't put his doorway 30 feet down the street if he thought spaces "L-5" and "L-6" were viable. He stated that traffic moves down Jefferson Street and not Leavenworth Street. He said that only a select number of spaces are viable, for example, only 10 out of 50 Hallidie Plaza spaces are viable. He said he works at the Wharf and that the other Leavenworth Street spaces are not viable.

Mr. Flores stated that Mr. Berbey had said he was okay with moving the artists into the space on Jefferson Street where former space "J-9" had been located since it would be a good replacement for "L-1".

Commissioner Chew discussed a compromise of saving "L-2" while losing "L-1".

Mr. Hopper said "L-2" is 10 feet from the corner of Jefferson Street at Leavenworth Street. He clarified that the artists had moved 5 feet out of "L-1" since March 1.

Mr. Hopper responded to Commissioner Calloway's question by stating that "L-3" and "L-4" are only viable when "L-1" triggers foot traffic up the street.

Drew Flores agreed and said "L-1" works as a lure.

Maria Hillius stated that stores come and go all the time at that location. Because of this, she asked that there be future considerations of restoring both "L-1" and "L-2".

Mr. Berbey said stores don't survive because the rent is very expensive.

Commissioner Chew explained that the bike rentals existed on the street even amidst all of the pedestrian traffic.

Commissioner Calloway suggested exempting "L-1" and "L-2" for 6 months.

Commissioner Silverman suggested exempting "L-2".

Mr. Berbey said he's willing to accept "L-2" even though it is still out of compliance.

Mr. Lazar clarified that the vote needed to be unanimous for a motion to pass through the Committee since only three Commissioners were present.

Commissioner Calloway said he would push for spaces on Jefferson Street if they voted for exempting "L-2" only.

Mr. Hopper stated that if "L-1" is not there, the rest of the street would be greatly affected. He's been working for 30 years at that location.

Motion: Motion to request Board of Supervisors to redesignate for six (6) months of space "L-2", on Leavenworth Street, west side, at Jefferson Street, from the 10' distance-from-doorway regulation (Section 2405 (c) (6)).

Moved: Silverman, Chew

Commissioner Chew called for public comment. There was no public comment.

The motion was unanimously approved.

3. *Action.* **Hearing and possible motion to request Board of Supervisors for designation of six (6) months of two (2) street artist selling space on Jefferson Street, south side, Leavenworth to Hyde Streets. (continued from May 9, 2012 Street Artists Program Committee meeting).**

Mr. David Berbey of SFO Forecast/Wharf Outdoors presented photos to the Committee.

Program Director Howard Lazar read a statement from Street Artist Michael Rosenthal #4683, who sells caricatures, which supported a proposal to move "L-1" and "L-2" to Jefferson Street.

Public Comment:
Mr. David Berbey of SFO Forecast/Wharf Outdoors said he originally suggested the spaces but said that the landlord of The Cannery had the final say and the landlord had legitimate safety concerns for the proximity of the spaces to the fire doors. He reported that the landlord will be turning the building into a school so they are even more concerned with the fire safety rules. He said that the other issue he had himself is that the spaces will encroach into the sidewalk and there will be a large number of pedestrians which will add to the obstructions that are already there. He said he wanted to support the artists as a business owner.

Commissioner Chew commented that he didn't see any activity from the doorway. He reported that the Academy of Art University is owned by Stevens group.

Mr. Lazar suggested that, based on Mr. Berbey's comments about the fire doors on Jefferson Street, he suggested that a compromise could be that the Arts Commission approve one space closer to the corner where old "J-9" had been located. He said it would be placed opposite the store's window and curb side. He further stated that the space would need a distance-from-doorway exemption but that it would solve the issue of concern over any space being close to the fire door concern. He explained that "J-9" had been eradicated many years ago because of the creation of a doorway.

Mr. Berbey clarified with Mr. Lazar that he meant the corner location, and he then said he did not agree with this suggestion since the location would be more detrimental to his business.

Street Artist Maria Hillius reminded the Commissioners that originally Mr. Berbey had not been against having a street artist space on Jefferson Street. She asked that the Commissioners move this motion forward so that the Academy of Art University could come to the Board of Supervisors to express their concern and ideas.

Mr. Berbey said he didn't object at first because he didn't realize it was a fire hazard.

Mr. Lazar agreed with Ms. Hillius' comment since the Board of Supervisors have the final decision in this matter.

Mr. Lazar showed the Commissioners on the map where "J-9" used to exist. He noted that an exemption would still be needed for the distance from doorway regulation.

Mr. Berbey asked Mr. Lazar why "J-9" was eradicated, to which Mr. Lazar replied that the door was expanded. Mr. Berbey stated that things have changed. He said that the other problem is that there must be clearance of 7 feet from the edge of the ADA ramp that is located on the corner.

Mr. Lazar said that he wanted more time to check on the ADA regulations.

Commissioner Chew clarified for Mr. Berbey that the proposed space would be in the location of the old "J-9" space.

Mr. Berbey expressed his concerns that the space would be in his doorway, window, storefront and in the main thoroughfare.

Commissioner Chew called Mr. Berbey out of order.

Motion: Motion to request Board of Supervisors for designation of six (6) months of one (1) street artist selling space on Jefferson Street, south side, corner of Leavenworth Street subject to compliance with ADA regulations.
Moved: Calloway, Silverman

Public Comment:
Mr. Berbey expressed that at the "11th hour", the Commissioners changed the location which had not been brought up and that it would be impeding his doorway to a greater degree. He further expressed that the decision was not fair. He wanted it clarified that street artists would not set up in this space until it goes to the Board of Supervisors.

Commissioner Chew confirmed the motion was not made at the "11th hour".

Mr. Lazar clarified that the item was continued from the Street Artists Program Committee's previous meeting.

Street Artist William Clark stated that he was a street artist since 1972 and that the voters of San Francisco passed Proposition "L" which said that street artists may have spaces designated in or on the sidewalk subject to the Board of Supervisors' approval. He agreed with Ms. Hillius' statement and stated that The Cannery and Mr. Berbey should speak at the Board of Supervisors since the Board makes the final decision. He urged the Commissioners to pass the item to the Board of Supervisors.

The motion was unanimously approved.

5. *Action.* **Hearing and possible motion to approve re-issuance of former certificate number (#5700) to street artist Jonovan (currently #8594).**

No motion taken. The item will be put on the full Arts Commission meeting agenda under the Committee report.

6. *Discussion.* **Public Comment.**

Street Artist Tad Sky stated that he liked the idea of a comprehensive map of the street artists spaces. He said Commissioners could go and see the street artist spaces when they're around town.

There was no further public comment.

7. *Discussion.* **New Business and Announcements.**

There was no further new business or announcements.

There was no public comment.

8. *Action.* **Adjournment.**

There being no further business, the meeting was adjourned at 4:20 p.m.

Respectfully submitted by:
Alyssa Licouris, Street Artists Program Assistant

Minutes approved by:
Howard Lazar, Street Artists Program Director

ADL 7/24/12

Additional Explanatory documents submitted by the public at the meeting: Item #3: Exhibit 4 (photo) submitted by David Berbey.

An audio recording of this meeting is available online at the following address: http://www.sfgov3.org/index.aspx?page=3507

September 12, 2012

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SAN FRANCISCO ARTS COMMISSION
STREET ARTISTS COMMITTEE

Wednesday, September 12, 2012
2:30 p.m.
25 Van Ness Avenue, Suite 70
San Francisco, CA 94102

Agenda

1. Roll Call

2. *Discussion.* **Street Artists Program Director's Report.**
Current administrative, budgetary and programming developments, announcements, and initiatives

3. *Action.* **Hearing and possible motion to approve concept of a voluntary pilot program at Hallidie Plaza submitted by Union Square Business Improvement District for street artists to display their wares in uniform display booths furnished by the Union Square Business Improvement District.**

Explanatory document: Proposal Letter from Union Square BID; Hallidie Plaza Map of Street Artists Spaces; Diagram of Proposed Street Artists Display.

4. *Action.* **Hearing and possible motion to authorize Program Director to request Board of Supervisors to issue a temporary one-year exemption of Hallidie Plaza street artists spaces from regulations of Section 2.405 (c) (3) & (4) which requires street artists spaces to be 3' x 4' x 5'.**

Explanatory document: Proposal Letter from Union Square BID; Hallidie Plaza Map of Street Artists Spaces; Diagram of Proposed Street Artists Display.

5. *Action.* **Hearing and possible motion to approve text recommended by William J. Clark and Robert J. Clark amending minutes of Street Artists Committee meeting of January 12, 2011 to include information not previously recorded due to audio recording failure.**

Explanatory document: February 12, 2012 e-mail from Mr. William Clark and Mr. Robert Clark

6. *Discussion.* **Public Comment.**
(This item is to allow members of the public to comment generally on matters within the Committee's purview as well as to suggest new agenda items for the Committee's consideration.)

7. *Discussion.* **New Business and Announcements.**
(This item is to allow the Commissioners to introduce new agenda items for consideration, to report on recent arts activities and to make announcements.)

8. Action. **Adjournment.**

ADL 9/7/12

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August 10, 2012

To: Howard Lazar, San Francisco Arts Commission

From: Donna Ficarrotta, Union Square Business Improvement District

Re: Street Artists' Exhibition Table – Request for exemption of current size regulations

Background

Hallidie Plaza is widely recognized as the main gateway to San Francisco's Union Square commercial district. Its central, historic location anchored by the world-famous cable car turnaround and home to the San Francisco Travel Association's Visitor Information Center, draws over 400,000 visitors a year, giving it the potential to become one of the most vibrant and exciting public spaces in the City.

Along with shopping, theater and hospitality, Union Square is well known for its wide range of art galleries. Extending outside the walls of those galleries, the San Francisco Art Commission's Street Artists Program brings art to the sidewalks and streets around Hallidie Plaza, where licensed artists sell their work.

As part of the Union Square Business Improvement District, Hallidie Plaza receives additional services to those provided by the City and has recently been the subject of study by the BID's streetscapes committee, a group of architects and designers interested in improving public spaces to allow for a wider range of activities and more inviting places for people to gather.

Proposal

Over the past year, the BID working with service provider MJM Management Group, Architect Stephan Ciulla and several artists and representatives of the Street Artists program have developed an attractive, standardized exhibition table, heightening the profile of the street artists and presenting their work in a colorful, more visible and professional manner. Through subtle branding, the new tables will identify the artists as part of the City's Street Artists program and as licensed vendors.

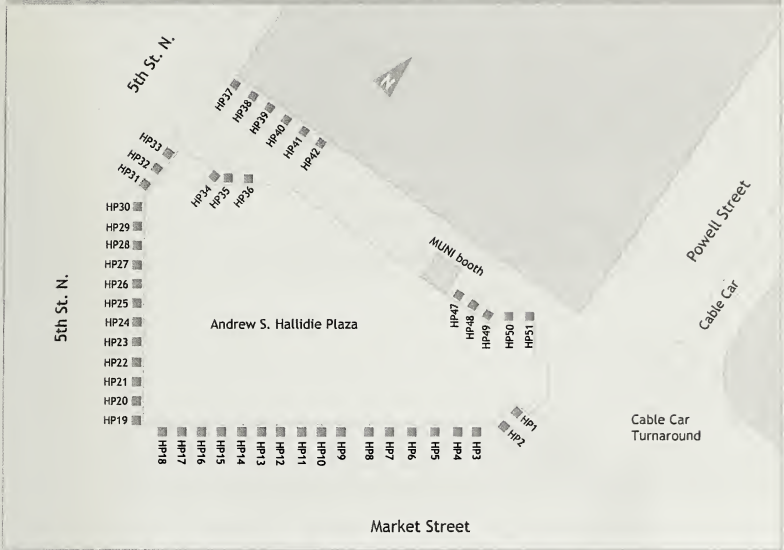
The Union Square BID is proposing a **voluntary pilot program**, developed with input from the Street Artists Program, in which 3-4 prototype tables will be fabricated for check-out on a daily basis by the artists included in the lottery. The BID will arrange for the necessary permits and own the tables and, through MJM Management Group, will manage a check-out process for daily use on a, first-come, first-served basis to artists participating in the Street Artists Program lottery.

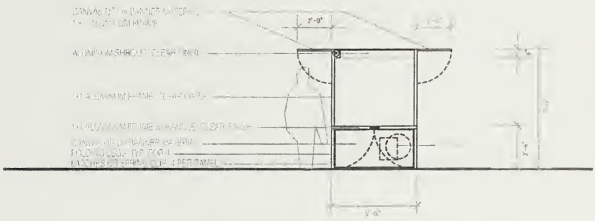
Implementation of the voluntary program requires an exemption of the current size regulations (3x4x5') to allow for the extended size, 3x5x7', of the new tables. The slightly larger dimensions will allow for overhead sun/rain shades to protect the artists and a more generous standing space. In addition to increased protection from the elements, the attractively designed tables will call out the artists to passersby along Market Street and coming up from Hallidie Plaza, create more interest and ultimately increase sales.

UNION SQUARE BUSINESS IMPROVEMENT DISTRICT

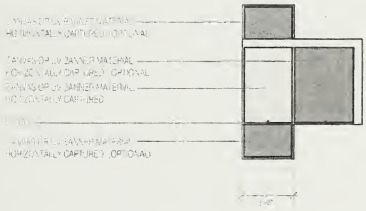
323 GEARY STREET, SUITE 401 SAN FRANCISCO, CA 94102
TEL (415) 781-7880 FAX (415) 781-0258 WWW.VISITUNIONSQUARESF.COM

Map 12: SF Street Artists Program Selling Area Spaces, Hallidie Plaza





LONG ELEVATION



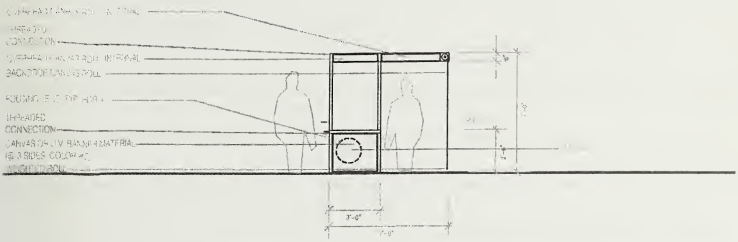
TOP VIEW

Project:

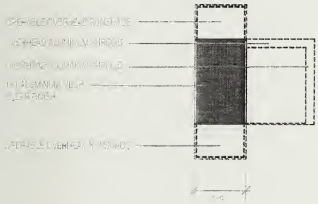
ARTIST'S TABLES

HALLIDIE PLAZA SAN FRANCISCO
POWELL AND MARKET STREETS

Client:



SIDE ELEVATION



PLAN @ TABLE TOP HEIGHT

COLOR INDEX

(Color to be Shop Applied. Tight Color Project Coating With 2 Final Coats Over Primer)

	Painted Canvas	Metal
COLOR #1:	Clear Alum.	Legs, Frame, Shroud, Mesh
COLOR #2:	Blue 1	Canvas
COLOR #3:	Blue 2	(Alternate Color) Canvas

ION SQUARE BID
ARTS COMMISSION

OSC.A

Date:	Project No.	Revisions:	Sheet No.
			A

7.16.

Explanatory Document: Amendment to January 12, 2011 minutes

Licouris, Alyssa
Sent: Wednesday, September 05, 2012 2:35 PM
To: Licouris, Alyssa

From: Bill and Bob Clark
Sent: Wednesday, February 29, 2012 1:12 PM
To: Lazar, Howard
Cc: Licouris, Alyssa; DeCalgny, Tom
Subject: Amendment to January 12, 2011 minutes

Mr. Lazar,

As per the Order of Determination of the Sunshine Ordinance Task Force in complaint #11008, this is the amendment to the minutes of the January 12, 2011 Street Artist Program Committee meeting that we are requesting you to make.

Under Item #2 eliminate the sentence, "Street Artist Robert Clark asked many questions about the budget which included how Mr. Lazar had determined the budget, staff salaries, and benefits."

Replace that statement with, "Robert Clark began his public comment by stating he had some questions about the figures in the proposed budget.

Before Mr. Clark could continue his public comment Mr. Cancel stood up, interrupted him and loudly informed Mr. Clark that he could not ask questions under public comment but could only make comments about an agenda item under public comment.

When Mr. Clark disagreed with Mr. Cancel, Mr. Cancel continued to insist that members of the public could not ask questions under public comment.

A short heated verbal exchange between Mr. Clark and Mr. Cancel over who was correct then occurred after which Mr. Clark stated he was going to ask some questions regardless of Mr. Cancel's opinion.

Mr. Clark then asked several questions about the proposed budget which included how Mr. Lazar had determined the budget, staff salaries, and benefits.

Mr. Lazar and Mr. Cancel both refused to answer all of his questions claiming they were under no obligation to answer any questions."

William J. Clark
Robert J. Clark

September 12, 2012

SAN FRANCISCO ARTS COMMISSION
STREET ARTISTS COMMITTEE

Wednesday, September 12, 2012
2:30 p.m.
25 Van Ness Avenue, Suite 70
San Francisco, CA 94102

SF
A70.7
#2
9/12/12
draft

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Draft Minutes

Commissioner Chew, Chair, called the meeting to order at 2:35 p.m.

1. Roll Call
Commissioners Present:
Greg Chew, Chair
John Calloway
Jessica Silverman

Commissioners Absent: Amy Chuang

Staff present: Arts Commission Director of Cultural Affairs Tom DeCaigny, Street Artists Program Director Howard Lazar, Street Artists Program Assistant Alyssa Licouris

Commissioner Chew welcomed the Commissioners and Police Officer Robinson acting as the sergeant-at-arms.

3. *Action.* **Hearing and possible motion to approve concept of a voluntary pilot program at Hallidie Plaza submitted by Union Square Business Improvement District for street artists to display their wares in uniform display booths furnished by the Union Square Business Improvement District.**

Program Director Lazar described the proposal from the Union Square Business Improvement District ("BID") about the Hallidie Plaza street artist spaces. He reported that a study was done by the BID's Streetscapes Committee whose members are interested in improving public spaces. He stated that the Committee wants to help upgrade the plaza to be a more inviting place for people to gather. He reported that he, Union Square BID, MJM Management team, Program Assistant Licouris and a few street artists joined together to design a uniform street artist booth which would hopefully help attract customers and improve the business of the artists. He reported that the proposal would require the Hallidie Plaza spaces to be exempted by the Board of Supervisors from the 3'x4'x5' display size regulations because the proposed display would be 3'x5'x7'. He stated that the proposal would call for a 1 year pilot program which would be voluntary for the artists and not enforceable.

Commissioner Calloway asked about the relationship between MJM Management and Union Square Live (formerly Jewels in the Square) to see if he had a conflict of interest.

Ms. Donna Ficarotta of the BID said that MJM Management is contracted by the BID. She said that the BID is a sponsor of Union Square Live.

Director DeCaigny was not certain if it was a conflict of interest. He recommended that the Street Artists Committee meeting go forward with the presentation and asked Ms. Ficarotta to explain their relationship with Union Square Live. He stated that if there is a conflict, that the Commissioners could still continue with the presentation and table the motion to the full Arts Commission's October meeting. He said he did not see a problem for the Commission since the cost of the proposal's uniform displays would be free to the Arts Commission and no Commission funds would be granted.

Ms. Ficarotta and Mr. Stephan Ciulla, architect and member of Streetscapes Committee and of the Office of Stephan Ciulla Architecture, presented the proposal. Ms. Ficarotta stated that the Union Square BID was the first in the city when it was formed 10 years ago. She explained that the BID was created by property owners to provide extra services. She stated that the BID contracts with MJM Management as a service provider and that Union Square Live and MJM Management have a relationship together while the BID is a sponsor of Union Square Live.

Ms. Ficarotta explained that Hallidie Plaza is the "gateway to Union Square" since it is a central transportation hub and houses the San Francisco Convention & Visitors Bureau. Ms. Ficarotta reported that the BID was successful at widening Powell Street and turning it into a promenade area. She stated that the BID wants to improve Hallidie Plaza since it's the first place visitors see. She said that they are aiming to base the design on Times Square and the High Line in New York City to help mark the area more clearly, add programming, and improve landscaping and seating to activate the area for lunchtime activities such as film festivals and America's Cup events.

Ms. Ficarotta explained that the street artists are part of the Hallidie Plaza vision. She explained that the proposal is to have a street artist display that is beautiful, adaptable, and lightweight which could be flexible for the different artists and their art. She explained that the BID would store the displays for artists to check them out on a daily basis. She asked for the Commissioners' support for the pilot program and explained that the BID would fund 2 to 3 displays to see how artists use them and respond to the pilot program.

Mr. Ciulla explained that the displays would help all artists, regardless of their craft, to build cohesion of the group and hopefully elevate the status of the artists. He explained that some of the artists had expressed their needs regarding issues with weather, space, and backdrop area. He stated that the design is based on the idea that it must be flexible so it can meet the needs of any artist. He explained in detail the different qualities of the display.

Ms. Mary McCue of MJM Management said that the artists at Hallidie Plaza were obscure and that her main interest was to help the artists become sustainable. She explained that, as a partner of the city, she felt that the City was not doing a good enough job to help the artists in the Hallidie Plaza area. She stated that other activity at the Plaza hinders the artists' activity, and she wanted to help the artists to be seen and attract the public to their displays. She referred to Justin Herman Plaza as an example of a group of artists clearly demarcated. She stated that she wanted the artists to gain more respect.

Program Director Lazar reiterated that the pilot program would not be enforceable and that neither the Arts Commission nor the Street Artists Program is paying for the program.

Commissioner Chew agreed that he thought New York's High Line was very successful. He urged the Union Square BID staff to get street artists' opinions and added input about the display design.

In answer to a question by Director DeCaigny about the pilot program logistics, Program Director Lazar answered that the street artists would still need to be part of the lottery space-assignment system and that they would pick up the uniform displays from an adjacent storage site based on the lottery's ranking order.

Ms. Ficarotta said that they were still working out the details of the logistics, but Ms. McCue verified that MJM Management would be open at all hours to accommodate the artists using and returning the displays.

Mr. Ciulla submitted a scale model of the proposed display and noted that the displays would be collapsible with threaded connections.

Commissioner Calloway asked about the details of the Hallidie Plaza uniform display. Program Director Lazar replied that the artists would still be subject to the Street Artists Ordinance and staff monitoring. Commissioner Calloway posed a question about how the surrounding environment will be affected. Ms. Ficarotta responded by noting that she wants the space to be activated and believes that if more people are at the Plaza doing positive things, then that would help to discourage unwanted behavior.

Commissioner Chew commented that he again would like to get street artists' opinion.

Ms. McCue stated she was hoping the pilot program could be used so feedback about the artists' likes and dislikes could be received.

Mr. Ciulla explained that good, positive feedback had been received from street artists John Ndoli and Enrique Perez about the model display.

Program Director Lazar responded in the positive to a request by Ms. McCue on whether the Program is able to forward e-mails from MJM Management to the street artists.

Director DeCaigny asked that the motion be tabled to the full Arts Commission's meeting in October although he said he didn't feel that there was a conflict of interest with respect to Commissioner Calloway and the BID.

Public Comment:

Street Artist Tad Sky proposed that the proposed display have wheels. He said he had just visited Hallidie Plaza and found that many of the artists were in opposition to the display but he also noted that if it is larger, it should be popular among the artists. He reported that Hallidie Plaza is a tough area to work in and that the artists are scared of the dancers because they steal and are loud. He said that the pilot program could become popular among the artists already at the Plaza. He applauded the efforts of the BID people and thanked them.

Program Director Lazar noted that the artists at the end of the day would not have to dismantle the new displays and take them home and that this would benefit them.

Street Artist Maria Hillius commented that a visitor at Hallidie Plaza wouldn't know which person is a street artist and which is an illegal vendor. She stated that she thought that the proposed uniform displays would help distinguish the group of street artists and make the illegal vendors leave the area since they would not fit in anymore.

Street Artist Kathy Hallinan seconded Tad Sky's comments. She thanked the Union Square BID. She said that the artists contribute to the community, and said that although she won't sell at Hallidie Plaza, artists will become interested in the idea.

Street Artist John Tunui stated that this proposal is a great opportunity for the street artists to work with their neighbors. He appreciated the business community reaching out to the street artists. He stated that he was grateful for the help to improve the artists' markets and their ability to sell. He stated that the idea of free table displays will become popular. He stated that the proposal was a good start and thanked the Union Square BID for reaching out.

Program Director Lazar noted that John Tunui is the artists' elected Market Manager at Justin Herman Plaza and Tad Sky is the former Market Manager.

Commissioner Calloway stated it was a positive idea for the plaza.

Commissioner Chew stated that the motion would be tabled as Program Director Lazar had said it would be put on the October full Arts Commission agenda.

Director DeCaigny recommended combining item #3 and #4 into one item for the Arts Commission agenda.

Program Director Lazar stated that the Board of Supervisors legislation would have to include an exemption of the spaces from the regulation of 5 feet between artists' displays since the displays would be wider and would diminish the space between them.

4. *Action.* **Hearing and possible motion to authorize Program Director to request Board of Supervisors to issue a temporary one-year exemption of Hallidie Plaza street artists spaces from regulations of Section 2405 (c) (3) & (4) which requires street artists spaces to be 3' x 4' x 5'.**

This item was tabled for the full Arts Commission meeting in October and is to be combined with item #3.

5. *Action.* **Hearing and possible motion to approve text recommended by William J. Clark and Robert J. Clark amending minutes of Street Artists Committee meeting of January 12, 2011 to include information not previously recorded due to audio recording failure.**

Program Director Lazar explained that there was an interchange of conversation between Robert Clark and former Director of Cultural Affairs Luis Cancel that did not get recorded on the audio tape. Program Director Lazar stated that the Program staff were not aware the recorder failed to record; furthermore, the interchange did not occur when he flipped the tape to the unrecorded side. Mr. Clark and Mr. Clark submitted recommended text for the possible amended minutes which Program Director Lazar reviewed with the City Attorney. Program Director Lazar recommended that the motion be approved to amend the minutes.

In answer to Commissioner Chew's question, Program Director Lazar responded that the text would be a further amendment to the minutes of January 2011.

Motion: Motion to approve text recommended by William J. Clark and Robert J. Clark amending minutes of Street Artists Committee meeting of January 12, 2011 to include information not previously recorded due to audio recording failure.
Moved: Silverman, Calloway.

Commissioner Chew called for public comment. There was no public comment.

The motion was unanimously approved.

2. *Discussion.* **Street Artists Program Director's Report.**

Program Director Lazar reported on the following:

Letter from Paula Datesh: Program Director Lazar received a letter from former street artist Paula Datesh which she wanted read at the meeting. He stated that he contacted Ms. Datesh that he was submitting copies of her letter to the Commissioners and putting a copy in the public file available at the meeting and that he would mention her letter at the meeting.

Kathy Hallinan saves Jefferson Street trees: Program Director Lazar applauded street artist Kathleen Hallinan's efforts to save trees on Jefferson Street from the street's reconstruction plan. He stated that the plan included the destruction of 25 trees, but with the help of the Sierra Club and a scientist, Ms. Hallinan saved 21 trees. Program Director Lazar reported that she singlehandedly worked towards her goal and always kept Program Director Lazar in the loop. He commended her for her success and her gentility and graciousness while working with the City departments.

Street Artist Kathy Hallinan said she wanted to thank the Port and DPW. She also formed a coalition with the Sierra Club, SF Forest Alliance, and a butterfly lepidopterist. She said he hopes to arrange a meeting with the Port to educate their tenants about the unique butterfly habitat in the trees they have on Jefferson Street. She also stated she met with an arborist. Ms. Hallinan said saving the trees was not only important for the species' habitat but also for the cleansing of environment for artists.

Port thank you: Program Director Lazar said he was grateful to work with Port Property Manager Rip Malloy and thanked him for coming to the meeting. He said he's exploring locations to relocate artists during the reconstruction of Jefferson Street. He explained that the street artists' 9 spaces are the best spaces at the Wharf and he would be grateful for any help that Mr. Malloy can give the Program. Program Director Lazar reported that Mr. Malloy said he'd be contacting him and that he would keep the Commissioners informed of the situation.

Public Comment:

Street Artist Tad Sky stated that he hopes to work with the Port on this project. As a Justin Herman Plaza artist when there had been reconstitution of the Plaza, he and the other artists worked with the main building inspector and accommodated the areas that were under construction by moving around so they didn't lose any selling days. He stated that since pedestrians need to walk along Jefferson Street, too, there shouldn't be a problem to find temporary locations for the street artists. Mr. Sky noted that the artists add value and ambiance for the visitors. He said that he would hate to lose the spaces after 40 years. He thanked Mr. Malloy for considering the artists.

Street Artist Kathy Hallinan seconded Mr. Sky's words. She said that she worked with the Port previously in 1994 to get 2 extra spaces. She stated that the staff were welcoming and invited them to work together in the future. She stated that everything on her table is handmade and it shows that the artists have something to offer. She said she was looking forward to working with the Port and that the street artists will accommodate the Port since a resolution states the rules that must be abided by the street artists. She said that they have the tools available to them to work with Program Director Lazar to ensure that the street artists will accommodate the Port. She stated that the street artists have a lot to offer and she looks forward to working with the surrounding communities.

Program Director Lazar clarified that Ms. Hallinan was referring to the Port Resolution of 1995 which stipulated conditions for street artists, maps of the locations and a provision for Port staff to revisit street artists sites at any time.

Mr. Rip Malloy, Port Property Manager, said he was sent to today's meeting by the Port to make sure everyone was "on the same page". He stated that their main concern is the safety of all while the reconstruction project occurs. He noted that the project was headed by DPW even though it is on Port property. He agreed that the project can be phased in different parts since stores in the Wharf need to remain open during construction. He explained the "blue" line at the Wharf; the side of the street with the Anchorage is private property while the other side is Port property. He said it is unreasonable to say that everything must be removed during construction since many documents and contracts have not been completed yet. He said that a lot of elements make this project very difficult but that he wants to find a location for the street artists. He commented on the tree situation that Kathy Hallinan worked on. He said the artist who made a rendering of the street for DPW did not include the trees in his rendering and they were then considered by the project manager to be slated for removal. Mr. Malloy described a possible scenario of creating a "parklet" area by the tank wall which the Port would like to remove. He said it's important for everyone to get along in case the "parklet" does get created. He requested to have one contact person with whom he could communicate at the Arts Commission to be either Program Director Lazar or Program Assistant Licouris. He said the Port wants to find a solution and does not want to jeopardize the project that DPW has graciously offered to support.

Program Director Lazar replied that his office is always open to Mr. Malloy. He said it would be an honor to work with him and the Port staff. He stated that he's worked successfully with the Port and other departments in the past.

Mr. Malloy and Program Director Lazar exchanged comments about working together in the future and possibly using the idea of the Hallidie Plaza displays for the Wharf artists. They agreed that they want to make the western end of the Wharf a "destination point".

Street Artist John Tunui stated that the street artists value their presence on Port property. Mr. Tunui urged others to relay conversation through Program Director Lazar stating that the street artists want to be good neighbors with the Port. He stated that he collected names of artists who feel the same way. He stated that the Street Artists Program has some "lose cannons" in its group of artists, but they all value their jobs.

Street Artist Maria Hillius said she and Kathy Hallinan worked together in 1995 with the Port to get spaces. She suggested that Program Director Lazar allow street artists to give him ideas regarding the Port.

Street Artist Kathy Hallinan explained the situation regarding the artist spray painters at the Wharf. She stated it was due to her efforts that the Port studied the spray painters' fumes and how they affected the public. Now, she said, these artists all have to have enclosed glass displays to help protect the public.

6. *Discussion.* **Public Comment.**

Street Artist Tad Sky asked the Committee and Arts Commission staff to give a statement about the Civil Grand Jury report regarding the findings of the Street Artists Program.

Commissioner Chew commented that he was confused with the Grand Jury's point that the Arts Commission has a lack of interest in the program, since the

40th anniversary celebration just recently occurred. He also noted that it didn't seem to him that there were facts to substantiate the allegations that were made.

Director of Cultural Affairs DeCaigny said that the Grand Jury report was issued in July. He explained that the Arts Commission has 60 days to officially respond and that this week the Arts Commission's draft responses will be sent to the Mayor's office for consolidation of all of the responses of the City partners that were asked to respond. He continued to explain the method that the Arts Commission is allowed for its response and said that Program Director Lazar has been working closely with Deputy Director Rebekah Krell to draft responses to the Street Artists Program section of the report. He said that the Grand Jury report took on a number of investigations in-depth and that some of the issues are already being worked on while a number of them related to limited resources and staff. He also explained that there was some misinformation in the report and that the response will address any unsubstantiated misinformation. He reported that the full response will be issued on September 24 and that the full Arts Commission will speak about it at one of its upcoming meetings.

Street Artist Maria Hillius commented about the Grand Jury report. She did not favor the recommendation that the Street Artists Program be disconnected from the Arts Commission. She reported that about two years ago over 200 artists signed a petition saying they wanted to remain with the Arts Commission. [At the Street Artists Committee meeting of May 6, 2009, Ms. Hillius presented a petition of 217 artists.]

There was no further public comment.

7. *Discussion.* **New Business and Announcements.**

Street Artist Maria Hillius asked that a committee be created to help Program Director Lazar with investigating temporary locations for the artists during the Jefferson Street reconstruction project.

There was no further new business or announcements.

There was no public comment.

8. *Action.* **Adjournment.**

There being no further business, the meeting was adjourned at 3:50 p.m.

Respectfully submitted by:
Alyssa Licouris, Street Artists Program Assistant

Minutes approved by:
Howard Lazar, Street Artists Program Director

ADL 9/25/12

Additional Explanatory documents submitted by the public at the meeting: Item #3 and #4: Updated Diagram of Proposed Street Artists Display submitted by Stephan Ciulla; Item #2: Letter from Paula Datesh.

An audio recording of this meeting is available online at the following address: http://www.sfgov3.org/index.aspx?page=3507

November 14, 2012

SAN FRANCISCO ARTS COMMISSION
STREET ARTISTS COMMITTEE

Wednesday, November 14, 2012
2:30 p.m.
25 Van Ness Avenue, Suite 70
San Francisco, CA 94102

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SAN FRANCISCO PUBLIC LIBRARY

Agenda

1. Roll Call

2. Discussion. **Street Artists Program Director's Report.**
Current administrative, budgetary and programming developments, announcements, and initiatives

3. *Action.* **Hearing and possible motion to authorize Program Director to request Board of Supervisors for permanent designation of six (6) street artist selling spaces on Market Street, north side, at Spear Street.**

Explanatory documents: Map of "BART" spaces; Draft of Board of Supervisors resolution.

4. *Action.* **Hearing and possible motion to approve authorization of Program Director to request Board of Supervisors to re-designate for six (6) months two (2) street artist temporary selling spaces on Post Street, northwest corner, at Stockton Street.**

Explanatory documents: Map of Post Street spaces; Draft of Board of Supervisors resolution.

5. *Action.* **Hearing and possible motion to request Board of Supervisors to re-designate one (1) selling space ("L-2") on Leavenworth Street, west side, at Jefferson Street, for six (6) months for street artists certified by the Arts Commission, City and County of San Francisco; exempting said space from the regulations of Police Code Section 2405(c)(6) and (11) prohibiting selling within ten (10) feet from the outer edge of any entrance to any building and prohibiting selling within five (5) feet of the display of any other street artist (continued from the 10/1/12 full Arts Commission meeting).**

Explanatory documents: Leavenworth Street Photo; Draft Board of Supervisors Resolution; Map of Proposed "L-2" selling space.

6. *Action.* **Hearing and possible motion to approve Program Director's recommendation of denial of renewal of certificate of the following certificate-holder for allegedly (1) interfering with artists' business by making loud abusive comments; and (2) provoking a physical confrontation with another street artist (Walter Molina), constituting the following alleged violation: Conducting business in an improper, disorderly and hazardous matter:**

Jameson Christiansen – Certificate #8582

Explanatory document: Original Notice of Hearing; Notice of Withholding of Certificate or Renewal Pending Hearing (Mr. Christiansen's address redacted).

7. *Action.* **Hearing and possible motion to approve Program Director's recommendation of denial of renewal of certificate of the following certificate-holder for allegedly battering a street artist (Jameson Christiansen), constituting the following alleged violation: Conducting business in an improper, disorderly and hazardous matter:**

Walter Molina – Certificate #8337.

Explanatory document: Original Notice of Hearing; Notice of Withholding of Certificate or Renewal Pending Hearing (Mr. Molina's address redacted).

8. *Discussion.* **Public Comment.**
(This item is to allow members of the public to comment generally on matters within the Committee's purview as well as to suggest new agenda items for the Committee's consideration.)

9. *Discussion.* **New Business and Announcements.**
(This item is to allow the Commissioners to introduce new agenda items for consideration, to report on recent arts activities and to make announcements.)

10. *Action.* **Adjournment.**

Notices
Explanatory documents are available for public inspection and copying at the Arts Commission office, 25 Van Ness Avenue, Suite 345, San Francisco, CA 94102 during regular business hours. Tel: INFO: (Howard Lazar 415-252-2583). PLEASE NOTE: The Arts Commission often receives documents created or submitted by other City officials, agencies or departments after the posting of the Arts Commission agenda. For such documents or presentations, members of the public may wish to contact the originating agency if they seek documents not yet provided to the Arts Commission.

Public comment in regard to specific items will be taken before or during consideration of the item.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (San Francisco Campaign and Governmental Conduct Code Sections 2.100 – 2.160) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 25 Van Ness, Suite 220, San Francisco, CA 94102, telephone (415) 252-3100, fax (415) 252-3112 and web site (www.sfgov.org/ethics)

To obtain a disability-related modification or accommodation, including auxiliary aids or services, to participate in the meeting, please contact Program Director Howard Lazar at (415) 252-2583 at least 48 hours before the meeting, except for Monday meetings, for which the deadline is 4:00 p.m. the previous Friday.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity, or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City accommodate these individuals.

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Per the American Disabilities Act and the Language Access Ordinance, Chinese, Spanish, and/or American Sign Language interpreters will be available upon request. Additionally, every effort will be made to provide a sound enhancement system, meeting materials in alternative formats, and/or a reader. Minutes may be translated after they have been adopted by the Commission. For all these requests, please contact Howard Lazar, Program Director at least 48 hours before the meeting at 415-252-2583. Late requests will be honored if possible. The hearing room is wheelchair accessible.

利便參與會議的相關規定

根據美國殘疾人士法案和語言服務條例，中文、西班牙語、和/或美國手語翻譯人員在收到要求後將會提供翻譯服務。另外，我們將盡力提供擴音設備，開時也將會提供不同格式的會議資料，和/或有提供閱讀器。此外，翻譯版本的會議紀錄可在委員會通過後提供。上述的要求，請於會議前數天48小時致電 415-252-2583 向 Howard Lazar, Program Director 提出。遲期提出的請求，若可能的話，亦會被考慮接納。聽證室設有輪椅通道。

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De acuerdo con la Ley sobre Estadounidenses con Discapacidades (American Disabilities Act) y la Ordenanza de Acceso a Idiomas (Language Access Ordinance) intérpretes de chino, español, y lenguaje de señas estarán disponibles de ser requeridos. En adición, se hará todo el esfuerzo posible para proveer un sistema mejoramiento de sonido, materiales de la reunión en formatos alternativos, y/o proveer un lector. Las minutas podrán ser traducidas luego de ser aprobadas por la Comisión. Para solicitar estos servicios, favor contactar a Howard Lazar, Program Director por lo menos 48 horas antes de la reunión al 415-252-2583. Las solicitudes tardías serán consideradas de ser posible. La sala de audiencia es accesible a silla de ruedas.

November 14, 2012

SAN FRANCISCO ARTS COMMISSION
STREET ARTISTS COMMITTEE

Wednesday, November 14, 2012
2:30 p.m.
25 Van Ness Avenue, Suite 70
San Francisco, CA 94102

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Draft Minutes

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Commissioner Chew, Chair, called the meeting to order at 2:34 p.m.

1. Roll Call
Commissioners Present:
Greg Chew, Chair
John Calloway
Amy Chuang
Jessica Silverman

Staff present: Arts Commission Deputy Director Rebekah Krell, Street Artists Program Director Howard Lazar, Street Artists Program Assistant Alyssa Licouris

Commissioner Chew welcomed the Commissioners and Police Officer Porter acting as the sergeant-at-arms.

2. *Discussion.* **Street Artists Program Director's Report.**

Program Director Lazar reported on the following:

New Advisory Committee Members: Program Director Lazar announced that two new members have been appointed to the Advisory Committee: Renee de Cossio and Jennifer Morningstar. He said they have already participated in a screening meeting and that the Advisory Committee is now a full Committee.

Off the Grid Food Trucks: Market Manager John Tunui, former Market Manager Tad Sky and Program Director Lazar will meet with a representative from Recreation and Park and the Off the Grid representatives to talk about the impact of the trucks on artists at JHP. The food trucks will be at Justin Herman Plaza 8 Sundays during the winter season which started last week. Program Director Lazar reported that the artists had a favorable reaction about the food trucks from the past Sunday and loved their food. He said that the artists said that the fumes weren't bothersome and they didn't lose any spaces. He also said that he had received feedback from the artists that Off the Grid brought many of their followers to the area and their customers bought from the artists.

Port/L-2: Program Director Lazar thanked Commissioner Collins and Commissioner Chew who joined a meeting he had with David Berbey and Nick Hoppe, owners of SFO Wharf Outdoors. He said they reached a compromise with L-2 space and that the store owners were adamant that the space (former J-9) on the corner of Jefferson Street would hinder the flow of traffic through their doorway on that side of the store. He said that street artists Drew Flores and David Campos also attended the meeting. He said they also agreed that they want to approach the Port to re-designate and reapprove space J-4 and J-3 located on Jefferson Street and opposite the Blue Mermaid Café. Program Director Lazar stated that it was not on today's agenda because Port personnel didn't want to discuss street artists' spaces until after construction in June 2013. Program Director Lazar said that he is already in a discussion with the Port about where to relocate the artists from the current 9 spaces which will be lost during construction. He said that he and some artists offered the idea of Pier 35 but Port personnel said Pier 35 is not an option because there is a leasehold agreement with tenants that occupy the Pier which doesn't allow any other activity. He also reported that Port personnel clarified that Pier 39 and the east park of Pier 39 are all off limits for the artists. He said that Port personnel are offering the west end of Jefferson street, west of Hyde street, but they still need approval from stakeholders. Program Director Lazar said he offered the idea to relocate artists to open area in front of General Petroleum's wall where there are currently street performers but he hasn't received a response yet. He reported that he is unsure if the street artists will get their Jefferson Street spaces back after construction since the Port personnel do not want to discuss it at this time. He noted that the Port is an enterprise agency which receives no general fund money and only money from their tenants.

Scoutmob Feature: Street Artists Amos Goldbaum was featured on Scoutmob Shoppe and it included pictures of his work. Program Director Lazar reported that Amos sells silkscreen shirts and prints at Justin Herman Plaza and on Market Street between Spear and Steuart streets.

Commissioner Chew noted that Arts Commission Deputy Director Rebekah Krell had joined the meeting.

Program Director Lazar stated that Ms. Krell is his immediate supervisor and she's very helpful to work with.

Public Comment:
Street Artist Tad Sky proposed that the Arts Commission talk to the Port for the artists since the Port is stalling. He stated that, in the past, there were prime street artists spaces on the sidewalk by what is now the Anchorage but they were removed once the Anchorage was built. He noted that the Port said that the artists don't add anything since they don't pay rent but he said that he thinks they do add something to the ambiance. He again stated that the Arts Commission should "go to bat" for the artists. He also presented a petition that was referred to at the October 1 full Arts Commission meeting of 247 artists who want the street artists to stay with the Arts Commission.

Program Director Lazar noted that John Tunui referred to this petition at the Government and Oversight Committee of the Board of Supervisors.

Commissioner Chew asked about the status of the Civil Grand Jury's recommendation regarding the Street Artists Program moving out of the Arts Commission. Program Director Lazar explained that Director DeCaigny has to return to the Government and Oversight Committee to report his investigation into the matter.

Former certificate holder Paula Datesh said that Tad Sky is out of order since he commented on an item separate from the Program Director's report and he didn't fill out a speaker card.

Program Director Lazar said that Tad Sky commented on Justin Herman Plaza which is a premiere street artist area which Program Director Lazar had mentioned in his report.

Commissioner Chew asked about the Pier 35 and Port tenants. Program Director Lazar answered that the lease agreement extends to the promenade in front of the piers so it is not allowed. He said he personally checked it out and saw a volume of people go by and there were some performers. He also mentioned that the sidewalk is so wide that the nine spaces to be relocated would meet all of the public safety regulations.

Former certificate holder Paula Datesh stated that the Performers Program is a pilot program. She said the performers go to a lottery once a month to get a space, get insurance, pay fees and that the spaces are marked.

Street Artist John Tunui stated that he agreed that the Port needs to be approached since they like to delay and then ultimately cut the spaces out. He also reported that in regard to the food trucks, he feels that since it is a project of the Board of Supervisors, the artists should accommodate the food trucks so they can get on the good side of the Supervisors and get more spaces around San Francisco.

3. *Action.* **Hearing and possible motion to authorize Program Director to request Board of Supervisors for permanent designation of six (6) street artist selling spaces on Market Street, north side, at Spear Street.**

Program Director Lazar described the location of the six (6) selling spaces that had been designated for 6 months. He reported that there have not been any problems with the artists selling in the new selling spaces. He requested that the six (6) spaces be made permanent.

Commissioner Chew commented that he didn't understand why a big hotel like the Hyatt (Downtown) would agree to have street artists selling in front of their hotel when the Port had said no to artists on Port property. Program Director Lazar suggested that the Commissioners contact the Port, as he has done as much as he could do as a staff person. He said he has suggested alternative locations but he hasn't gotten a response back from the Port.

Commissioner Chew said he would be happy to go to a Port meeting and speak for the artists.

Motion: Motion to authorize Program Director to request Board of Supervisors for permanent designation of six (6) street artist selling spaces on Market Street, north side, at Spear Street.
Moved: Chuang, Silverman

Commissioner Chew called for public comment. There was no public comment.

The motion was unanimously approved.

4. *Action.* **Hearing and possible motion to authorize Program Director to request Board of Supervisors to re-designate for six (6) months two (2) street artist temporary selling spaces on Post Street, northwest corner, at Stockton Street.**

Program Director Lazar explained that, in 2011, because of the Central Subway barricades, construction had moved a flower vendor onto 4 street artists spaces on Geary Street. He said that 2 of the 7 spaces can still be used but with the relocation of the flower vendor, tree planters had also been placed on some of the spaces. He said that because of the Central Subway construction, he created two new temporary spaces on Post Street. He stated that these spaces have already been approved twice by the Board of Supervisors and each time for a 6 month time period. He requested that the Committee approve the two temporary Post street spaces for another 6-month time period. He reported that there have not been any problems with the spaces and their location had

already accommodated the adjacent hot dog vendor's condiments table.

Motion: Motion to approve authorization of Program Director to request Board of Supervisors to re-designate for six (6) months two (2) street artist temporary selling spaces on Post Street, northwest corner, at Stockton Street.
Moved: Silverman, Chuang

Public Comment:
Street Artist Tad Sky stated that this was an example of how the artists have a history of losing spaces and to keep the Port spaces in mind too.

Commissioner Calloway commented that there should be some kind of discussion about street artists' losing spaces, finding a way to be proactive, and maintaining the dignity of the program.

Tad Sky responded that they don't mind losing a space but there needs to be an equivalent.

Former certificate holder Paula Datesh stated that Tad Sky has been out of order several times. She said that she doesn't believe that the street artists have been pushed around on Stockton Street. She stated that the flower vendors are tolerant of the street artists and helpful towards them.

Street Artist John Tunui asked how the street artists can be taken more seriously. He commented that, in the past, they have had success with calling their Supervisors to get the Port to move.

Commissioner Chew suggested that there be a presentation about the Street Artists Program at the Port to educate them about the program.

Program Director Lazar said he would welcome that opportunity.

The motion was unanimously approved.

5. *Action.* **Hearing and possible motion to request Board of Supervisors to re-designate one (1) selling space ("L-2") on Leavenworth Street, west side, at Jefferson Street, for six (6) months for street artists certified by the Arts Commission, City and County of San Francisco; exempting said space from the regulations of Police Code Section 2405(c)(6) and (11) prohibiting selling within ten (10) feet from the outer edge of any entrance to any building and prohibiting selling within five (5) feet of the display of any other street artist (continued from the 10/1/12 full Arts Commission meeting).**

Program Director Lazar explained that Commissioner Chew and Commissioner Collins had attended a meeting with owners David Berbey and Nick Hoppe of the adjacent store in The Cannery. He said Commissioner Calloway had visited the site before. He reported that they had come to an agreement with Mr. Berbey and Mr. Hoppe regarding the location of space L-2. He described the history of L-1 and L-2 in relationship to the doorway that had been created. He stated that they compromised to move L-2 8 feet from the entrance of the doorway. He noted that L-2 still required an exemption from the regulation of selling within 10 feet from the outer edge of the doorway entrance but commented that it is not a heavy traffic area. He stated that the owners agreed to this compromise on a 6 month basis with exemptions from the doorway regulation and from the distance between street artists regulation.

Program Director Lazar explained the procedure of how the space would get approved by the full Arts Commission and Board of Supervisors.

Commissioner Calloway stated that he visited the site. He said that the artists are giving up a lot with this compromise. He said it wasn't really a compromise because L-2 doesn't receive much traffic now that L-1 no longer exists. He stated that although it isn't the best compromise at least the artists will get one of their spaces back.

Motion: Motion to request Board of Supervisors to re-designate one (1) selling space ("L-2") on Leavenworth Street, west side, at Jefferson Street, for six (6) months for street artists certified by the Arts Commission, City and County of San Francisco; exempting said space from the regulations of Police Code Section 2405(c)(6) and (11) prohibiting selling within ten (10) feet from the outer edge of any entrance to any building and prohibiting selling within five (5) feet of the display of any other street artist.
Moved: Silverman, Calloway.

Commissioner Chew called for public comment. There was no public comment.

The motion was unanimously approved.

6. *Action.* **Hearing and possible motion to approve Program Director's recommendation of denial of renewal of certificate of the following certificate-holder for allegedly (1) interfering with artists' business by making loud abusive comments; and (2) provoking a physical confrontation with another street artist (Walter Molina), constituting the following alleged violation: Conducting business in an improper, disorderly and hazardous manner:**

Jameson Christiansen – Certificate #8582

Commissioner Chew welcomed Spanish-English translator Hazel Georgetti whose service was obtained by the Street Artists Program.

Program Director Lazar asked that the Committee take item #6 and #7 together since they are related. He stated that Walter Molina was present and Jameson Christiansen was not. He said that he had not been contacted by Jameson Christiansen.

Program Director Lazar described the incident that occurred on September 16, 2012. He stated that Mr. Christiansen was speaking loudly and abusively and disrupting various artists' business. He said that Walter Molina showed up to sell and asked Mr. Christiansen to leave since he was "squatting" in Mr. Molina's space. He stated that Mr. Christiansen was saying abusive language about flattened bottles and other crafts.

Commissioner Calloway asked Program Director Lazar if Mr. Christiansen had responded at all, and Program Director Lazar said he had not heard from him. Program Director Lazar said that staff always send hard copy mail to the artists and it was evident that Mr. Molina had received his notice of hearing. Program Director Lazar stated that he had heard that Mr. Christiansen knew about his hearing because someone had said he knew about it.

Continuing with the description of the incident, Program Director Lazar said that Mr. Christiansen gave Mr. Molina an ethnic slur and threw a bag of popcorn at Mr. Molina and his display. Program Director Lazar stated that Mr. Christiansen proceeded to say more slurs regarding Mr. Molina's baby and mother. Mr. Molina grabbed Mr. Christiansen from behind and Mr. Christiansen started laughing. Mr. Molina head butted him from behind and Mr. Christiansen kept laughing and some other artists separated them.

Program Director Lazar reiterated the charges against Mr. Christiansen and Mr. Molina.

Commissioner Calloway asked if there was a police report, and Program Lazar stated that he was not aware of one.

Commissioner Calloway asked for clarification if Mr. Christiansen was in Mr. Molina's space. Program Director Lazar confirmed that Mr. Christiansen was in Mr. Molina's space but he was vacating it. He stated that Mr. Christiansen was stating ethnic slurs as he was vacating and throwing popcorn.

Commissioner Chew said he was disappointed and asked Program Director Lazar if there were any problems with either artist since the September 16 incident.

Program Director Lazar reported that there was a problem regarding Mr. Christiansen this past week but he would not bring it up because it was not related to the present case. He reported that Mr. Molina's file showed no previous incidents in the Program, but he wasn't sure if there were any previous incidents in Mr. Christiansen's file.

Commissioner Chew asked Walter Molina to speak about the case.

Walter Molina described the incident that occurred with Mr. Christiansen. He said he picked space #6 and set up his table. He said his table was far away when he came back and he was told that Mr. Christiansen had kicked his table out of the way. He also stated that when Mr. Christiansen was leaving, he came back and threw popcorn. He said he told him to clean it up and he wouldn't. He said that Mr. Christiansen began saying Spanish insults about his mom and son. Mr. Molina confessed that he knows he didn't have to react and hit him.

Former certificate holder Paula Datesh started to comment. Program Director Lazar stated that comments from the public could not be heard until the appropriate time for public comment.

Commissioner Calloway asked if there were any witnesses that had seen Mr. Christiansen kicking Mr. Molina's table. Program Director Lazar said only one witness among several who had been notified was in the room.

Program Director Lazar answered a question by Commissioner Chew stating that he didn't know of any previous incidents between the two artists.

Commissioner Chew asked questions of Mr. Molina for clarification of the incident. Mr. Molina said that Mr. Christiansen had a previous reason behind the conflict which derived from an incident that happened a few weeks ago.

Street Artist John Tunui was called as a witness.

John Tunui reported that Mr. Christiansen didn't show up to the lottery that morning. Mr. Molina took space 6 and he left to rest after placing his table in his space to mark it. He reported that the artists have an unofficial rule that an artist is allowed to "squat" in another artist's space until the artist shows up. He said Mr. Christiansen showed up in space 6 and kicked Mr. Molina's table out of the way, and started making noise. He confirmed that there was no police report filed.

Street Artist Luis Gervasi stated that he had experienced two problems with Mr. Christiansen in the past. He said that the first incident happened two years ago when he was next to Mr. Christiansen. He said that he was screaming at Mr. Gervasi's customers which made his customers walk away. Mr. Gervasi reported that the second problem occurred a few months ago with Mr. Christiansen. He said that Mr. Christiansen set up next to him and put his ipod on high volume and turned the speakers towards his booth when he left. Mr. Christiansen stopped when Mr. Gervasi approached him. Mr. Gervasi said he himself resisted doing something to Mr. Christiansen as he could see himself reacting physically like Mr. Molina had done.

Former certificate holder Paula Datesh stated that she had an incident with Mr. Christiansen about 4 years ago. She stated that he's a young guy with a skateboard who is a little lazy. She said that he would never come to the lottery but always came later asking to

share a space. She reported that she shared her space many times with Mr. Christiansen because she has seen him homeless and wanted to help him. She said he was very abusive but she didn't report it because "he's a young guy". But she stopped sharing a space with him.

Street Artist Pat Lloyd said she arrived at the end of the incident. She said there is a difference between touching someone and saying insults. She reported that there were many incidents regarding Mr. Molina. She said she called the Arts Commission reporting these incidents because she was scared for the well-being of John Tunui and other street artists when Mr. Molina was becoming more violent. She said that another artist was attacked by another person. She said there was an incident when someone knocked over an artist's display before the lottery and, while other artists had restrained him, Mr. Molina came and punched the man while they were waiting for the police. She stated that this incident had happened 3 days before Mr. Molina missed the lottery. She said that he had been screaming at John Tunui and she thought he was going to have physical altercations with John because the lottery was closed and he had come late. She said there were 3 times that violence had occurred. She reported that she called and spoke to Program Assistant Licouris and asked her if Program Director Lazar was aware of it because she was concerned for safety for artists and tourists. She said there was another incident where Mr. Molina took a space of another artist a few days before and there was a mini lottery to determine who got the space. She said he made a big scene in the middle of the day disrupting everyone's business. She said a police report should have been made and the police should have been notified the first time Mr. Molina hit someone since it's assault without question.

Commissioner Calloway asked if there was had any record of Ms. Lloyd's reports. Program Director Lazar said she's correct. He reported that that situation was different because from his understanding it had occurred during a different time of day. He said that under the advice of the City Attorney, the Arts Commission's authority would not extend to incidents occurring before or after the lottery but primarily when artists are open for business.

Commissioner Calloway asked if there was a written report of Ms. Lloyd's report. Program Assistant Licouris verified that Ms. Lloyd telephoned her report and that she told Program Director Lazar about it but she didn't know if it had been written down. Program Director Lazar said, in absence of a police report, it was hard to make a case at that time.

Walter Molina stated that someone in the morning was stealing from another artist and no one was there except for one lady. He said when he saw the thief, he reacted and stopped him since no one else was catching him. He said the other artists then came and caught him and called the police.

Commissioner Calloway stated that the Commissioners were receiving a lot of information that was not germane to the case.

Program Director Lazar said many incidents occur between artists especially with parking situations but often it's hard to draw the line between Arts Commission authority and non-authority.

Jameson Christiansen entered the room.

Former certificate holder Paula Datesh commented that most people work 4 to 5 days a week and there are lots of incidents that go unreported. She said that police reports are not made because it's disruptive and petty and that Central Station won't respond to petty reports. She said it's only over time that one can understand a person's behavior by being out there and working.

Commissioner Chew asked for any further comments about item #6 or #7.

Luis Gervasi stated that there are many discussions between artists. He said that many times one artist is late but they let that artist into the lottery for spaces and other times when someone else is late, that artist is not let in. He explained this is what happened to Mr. Molina.

John Tunui stated that the procedure is to close the lottery at 6 a.m. according to his watch. He reported that there had been 3 instances with Mr. Molina being late and that Mr. Molina knows that his clock is one minute slower than Mr. Tunui's since they've already compared clocks before. John Tunui stated that he closes the lottery at 6 a.m. based on his clock.

Paula Datesh spoke, and Commissioner Chew called her out of order, stating that Ms. Datesh had already spoken.

Mr. Christiansen left the room.

Program Director Lazar read item #6. He asked that his recommendation of denial of renewal be withdrawn.

Commissioner Silverman stated that Mr. Christiansen evidently did not care about his license since he just showed up late and then left, and she found this extremely disrespectful.

Commissioner Chew asked Program Director Lazar to clarify the process of disciplinary action. Mr. Lazar said that 5 days must pass before he sends a Program Director's decision letter of the Committee's decision. He explained that the artist then has 15 days to file an appeal with the Board of Appeals. If the artist doesn't file during those 15 calendar days, he said, the decision goes into effect.

Program Director Lazar reported that Mr. Christiansen's license will expire on December 14. He explained that if an artist's license is revoked, the artist can reapply after a year and then come before the Street Artists Program Committee for consideration of a new license.

Motion: Motion to deny renewal of certificate of Jameson Christiansen.
Moved: Calloway, Silverman.

Public Comment:
Paula Datesh said that Jameson Christiansen cut up his license and it's sitting in the chair.

The motion was unanimously approved.

7. *Action.* **Hearing and possible motion to approve Program Director's recommendation of denial of renewal of certificate of the following certificate-holder for allegedly battering a street artist (Jameson Christiansen), constituting the following alleged violation: Conducting business in an improper, disorderly and hazardous manner:**

Walter Molina – Certificate #8337.

Program Director Lazar read item #7. Program Director Lazar withdrew his recommendation and recommended a suspension of 2 weeks. He reminded the Commissioners that they have the right to defer a suspension; furthermore, an artist can waive his right of appeal to the Board of Appeals and thereby have his suspension start in 5 days.

Commissioner Calloway asked Program Director Lazar why he changed his recommendation. Mr. Lazar answered that Mr. Molina has no record in his file of coming before the Street Artists Program Committee for violence. He also explained that in other cases, the Committee had given warnings to the artists. He stated that he felt that Mr. Molina was provoked, although this doesn't excuse his actions. He said that he was hoping a Commissioner would question Mr. Molina on how he intends to control himself in the future.

Commissioner Calloway told Mr. Molina that, although he (Molina) was insulted and disrespected, he was not entitled to hit someone. He said Mr. Molina exercised poor judgment by hitting Mr. Christiansen.

Mr. Molina said that his reaction was not right and he apologized.

Commissioner Calloway asked him what he would do if it happened again.

Mr. Molina said next time he will move away and won't try to stop anyone from stealing.

Commissioner Chew asked when Mr. Molina's license expires. Program Director Lazar responded that it will be January 26.

Commissioner Silverman said Mr. Molina shouldn't have his license revoked.

Commissioner Chew said public comment was closed. Commissioner Silverman said public comment wasn't very productive and the Commissioners needed to decide what to do. Mr. Lazar reminded them of the process of public comment after a motion is made.

Commissioner Calloway proposed a suspension of 2 weeks.

Commissioner Chuang said that Mr. Molina agreed that he made a mistake and that he was going to correct actions in the future. She agreed with a 2 week suspension.

Motion: Motion to find Mr. Molina in violation of the Street Artists Ordinance by conducting business in an improper, disorderly, and hazardous manner by battering a street artist.
Moved: Calloway, Chuang.

There was no public comment.

The motion was unanimously passed.

Motion: Motion to suspend certificate of Walter Molina for a period of 2 weeks for having conducted business in an improper, disorderly, hazardous manner.
Moved: Chuang, Silverman.

Public Comment:
Street Artist Tad Sky stated that he wasn't there on the day of the incident but he did get a phone call from his girlfriend who described the incident to him. He explained that the next week he interviewed many witnesses, talked to Mr. Molina and Mr. Christiansen who evidently did not care because he's not present at today's meeting. He said that he asked them both if they wanted to work it out between themselves. He said Mr. Molina agreed while Mr. Christiansen said he wouldn't apologize to his neighbors for insulting their crafts. He said Mr. Molina shouldn't have assaulted Mr. Christiansen but the provocation and insults are beyond what most people could handle and that he (Sky) probably would have been provoked too. Mr. Sky asked the Commissioners that they not ruin Mr. Molina's Christmas and to wait until January to impose a suspension on him. He said Mr. Molina wouldn't be at today's meeting if it wasn't for Mr. Christiansen. He said that since Mr. Christiansen ripped up his license, it shows that he doesn't care. He stated that he preferred if they gave Mr. Molina a warning but that if they do suspend his license, to wait until after Christmas.

Street Artist Luis Gervasi agreed with Mr. Sky. He said that Mr. Christiansen also had pushed himself (Gervasi) to the limit and asked that they wait until January to suspend Mr. Molina.

Street Artist Pat Lloyd stated that insults are different than assault.

Street Artist John Tunui said he himself receives insults every week and never assaults anyone. He asked the Commissioners to do something to show the other artists that they can't get away with this behavior.

Former certificate holder Paula Datesh stated that it was a good idea that Mr. Molina says he's sorry and that he get some counseling.

Motion: To withdraw previous motion.
Moved: Silverman, Chuang.

Motion: Motion to suspend the certificate of Walter Molina for a period of 2 weeks for having conducted business in an improper, disorderly, hazardous manner and that the suspension be deferred to January 7, 2013.
Moved: Silverman, Calloway

Commissioner Chew called for public comment. There was no public comment.

The motion was unanimously approved.

8. *Discussion.* **Public Comment.**

Former certificate holder Paula Datesh said that that was no longer her name and she wanted a statement she had prepared to be entered into the minutes. She read her statement.

She continued to read her statement after the allotted 3 minutes time period.

Commissioner Calloway advised Program Director Lazar to ignore the last sentence of Ms. Datesh's statement.

Street Artist Pat Lloyd stated that Paula Datesh has been harassing her for the last two years via phone and mail. She said that Ms. Datesh copied her (Ms. Lloyd) e-mail address but with a different e-mail provider. She said that she is going to get a restraining order against Ms. Datesh now that she knows who she is and what she looks like. She said that she has noted her harassment with the Arts Commission. She said that Ms. Datesh started as a customer of hers but that the harassment has been out of control since.

Paula Datesh began to speak.

Commissioner Chew said that she had already spoken and that she was out of order.

Officer Porter asked if Commissioner Chew wanted her out of the meeting, and Commissioner Chew asked him to escort her out of the building.

There was no further public comment.

9. *Discussion.* **New Business and Announcements.**

Program Director Lazar presented the Commissioners with the 2012-13 temporary and permanent winter holiday spaces blue book.

There was no further new business or announcements.

There was no public comment.

10. *Action.* **Adjournment.**

There being no further business, the meeting was adjourned at 4:15 p.m.

Respectfully submitted by:
Alyssa Licouris, Street Artists Program Assistant

Minutes approved by:
Howard Lazar, Street Artists Program Director

ADL 11/27/12

Additional Explanatory documents submitted by the public at the meeting: Item #2: Petition submitted from Tad Sky; Item #8: Statement read aloud by Paula Datesh at November 14, 2012 Street Arts Commission Program meeting.

An audio recording of this meeting is available online at the following address: http://www.sfgov3.org/index.aspx?page=3507

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